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ARREDONDO'S HISTORICAL PROOF OF SPAIN'S TITLE TO GEORGIA

Antonio de Arredondo

A CONTRIBUTION TO THE HISTORY OF ONE OF THE SPANISH BORDERLANDS

EDITED BY
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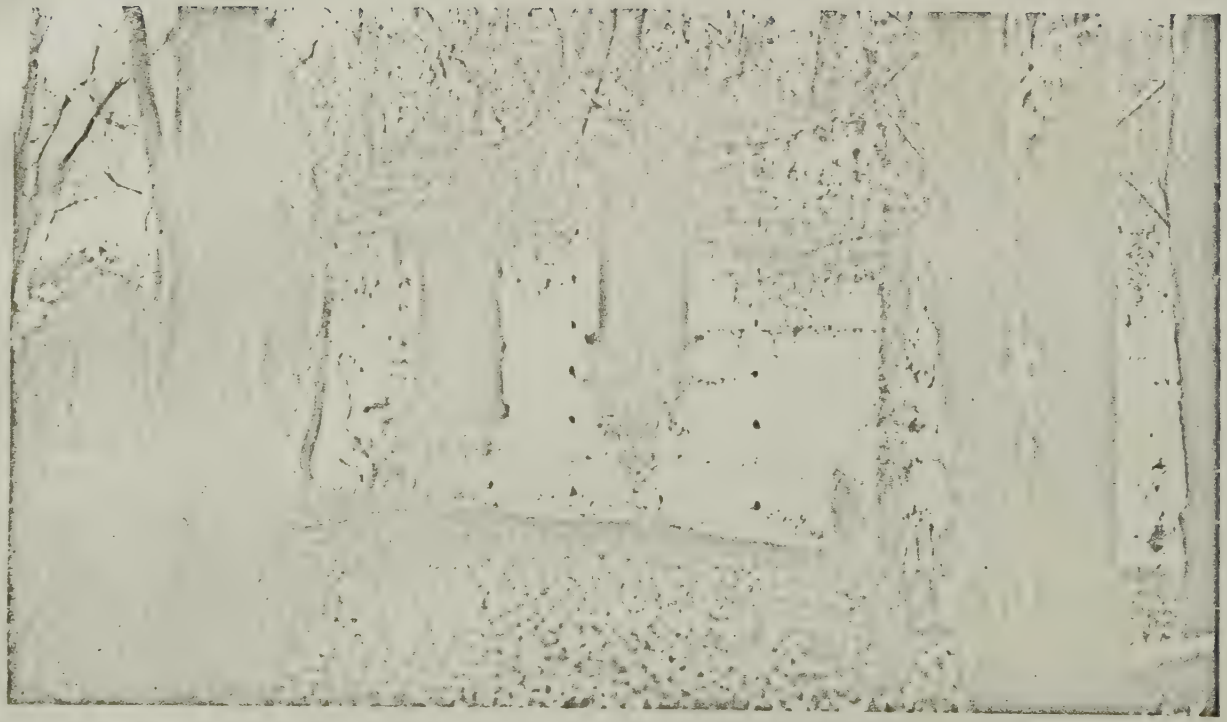

Ruins of Santa María Mission, near St. Marys, Georgia.

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PREFACE

Spain and Portugal effectively and permanently colonized the vast area from Chile to the West Indies and to the Rio Grande—two-thirds of the Western Hemisphere. The late-comers, England, Holland, and France, planted centers of expansion in the left-over areas to the northward. In her northern borderlands Spain's activities were chiefly defensive. Foreign danger there forced her into several salients before she was ready to colonize them. The French intruded into the Caribbean, Florida, Louisiana, and Texas, and border contests ensued. As the English frontier moved westward, the Anglo-Spanish borders overlapped in a succession of areas, and one by one a series of conflicts resulted—in the Caribbean, in Georgia and Florida, in Louisiana, in Texas, in New Mexico, in California. Anglo-American aggression stopped in each case when it reached the line of effective Spanish colonization. Together these border struggles constituted a drama covering two centuries. All the acts had features in common. But each had its own peculiar incidents and characters, and each made its particular contribution to the larger story of American history. One episode in the long contest, brimful of human interest but as yet imperfectly understood, was Spain's resistance to the English in the country that is now Georgia. This is

the theme of the document here published and of the historical sketch by which it is introduced.

Arredondo's *Demostración Historiographica* is an interesting and an important document. It makes clearer than any other work hitherto published the nature of the long contest between Spain and England over the coast region of South Carolina and Georgia. It was written by a trained man who saw service on the disputed frontier as diplomat and soldier. In 1736 Engineer Antonio de Arredondo was sent from Havana to Frederica to protest to Oglethorpe against the establishment of the Georgia colony. In succeeding years he served at intervals in Florida, drawing maps, writing reports, and perfecting the fortifications for the forthcoming struggle with England. In 1742 he was chief-of-staff in the Spanish campaign against Georgia. The *Demostración Historiographica* was dated just before that event, but the narrative terminates somewhat earlier, with the diplomatic contests in 1736–1737. It was written at the request of Güemes y Horcasitas, captain-general of Havana, who directed the Georgia expedition.

The memoir brings into clear relief the following episodes in the early history of the South Atlantic seaboard: (1) The planting of Spanish settlements on the Georgia-South Carolina coast, 1566–1670. (2) The founding of Charleston in 1670. (3) The treaty of 1670, by which Spain recognized the legality of England's actual settlements in America (including Charleston) at that date. (4) The destruction of the

Spanish settlements on the Georgia coast by English and Indian raids, 1670–1702. (5) The founding by Carolinians of Fort King George on the Altamaha in 1721. (6) The diplomatic controversy in America and Europe following thereupon, 1721–1725. (7) The founding of Oglethorpe's Georgia colony, 1733. (8) The resulting diplomatic controversy in America and Europe, 1736–1737 (the Sánchez-Oglethorpe treaty, the Arredondo episode, the Geraldino-Newcastle correspondence).

Arredondo's dissertation was in effect a reply to the English contentions brought forth in the two diplomatic controversies of 1721–1725 and 1736–1737. His argument was essentially this: Spain had first claim to the South Atlantic coast by right of discovery, exploration, and occupation. Between 1566 and 1670 she maintained actual settlements all the way up the Florida-Georgia-South Carolina coast between St. Johns River and Port Royal harbor. They were still occupied when Charleston was founded in 1670. In view of the foregoing, England's claim to the disputed region on the basis of Cabot's voyage, Drake's raid, the Carolina charters, and the Indian grant of Santa Elena (Port Royal) to Dr. Henry Woodward, was baseless and absurd. By the treaty of 1670 the principle of actual possession was agreed upon by Spain and England; this compact legalized England's ownership as far south as Charleston, and Spain's as far north as Santa Elena Sound, in 32°, 30′ north latitude. Therefore, the subsequent English raids on the Georgia establish-

ments, and all English settlements south of Charleston, were a violation of Spain's rights based on actual settlement, and an infraction of the treaty of 1670.

For the early portions of his work Arredondo followed closely Barcía's *Ensayo Cronológico*, which was published in Madrid in 1723. Short of going directly to the archives, he could not have done better, for Barcía's history is a sound treatise and is one of the monuments of American historiography. Arredondo cites also the works of De Fer, Morery, Bernard, Buñon, Peter Martyr and other important early writers. In most of these cases it is evident that he cited them through Barcía's "Introduction," instead of consulting them himself. It is doubtful, indeed, if he had access to all of them in Havana. He did, however, use a number of books published after Barcía's *Ensayo Cronológico*. These works he supplemented in a most important way by the archives of Havana and San Agustín, and by his personal knowledge of recent and contemporary events.

Arredondo's memoir was important enough to be plagiarized by a conspicuous person. In 1785, after the retrocession of Florida to Spain, when the Florida boundary question was revived, Don Iñigo Abad y Lasierra presented to the Spanish government a work entitled *Relación de el Descubrimiento, Conquista y Población de las Provincias y Costas de la Florida, etc.* His letter of transmittal, dated at Madrid, June 28, 1785, states that he "decided to compose the Relation" in order "to preserve the authentic data which existed

in the Archives of San Agustín de la Florida and la Habana." Evidently he concluded that the easiest way to do so was to rely on Arredondo's treatise. Long afterward Justo Zaragoza edited, and in 1912 Manuel Serrano y Sanz published, Abad's account in the *Biblioteca de los Americanistas*, as part of a volume of *Documentos Históricos de la Florida y la Luisiana*. Evidently neither Zaragoza nor Serrano knew that Abad's *Relación* was a close plagiarism of Arredondo's work.

An official draft of Arredondo's manuscript is in the Archivo General de Indias, at Seville, that great treasure-house of American history. It is in *Estante* 86, *Cajón* 5, *Legajo* 24. It is a bound book, beautifully written in a large, swinging, but careful hand. The margins occupy half of the page throughout. There is another copy of the *Demostración Historiographica* in the same archive in *Estante* 87, *Cajón* 1, *Legajo* 3, Document 65. The text here published follows the former manuscript. For a carefully made copy thanks are due to Miss Irene A. Wright, F.R.H.S., that ever helpful friend to all American students who need materials from the Archivo General de Indias. I here offer my tribute of gratitude.

In editing the manuscript the principles adopted have been simple, and in keeping with the best historical scholarship. The abbreviations, which are multitudinous in the original, have been extended. Capitalization and punctuation, which are archaic and chaotic, have been slightly modernized to fit the meaning. Grave and acute accents, used interchangeably in the

manuscript, have been printed uniformly as acute accents. Decorative flourishes somewhat resembling the tilde, indiscriminately strewn through the manuscript, have been dropped. Otherwise the inconsistent accentuation of the original has been followed. Cedilla *c's* and antiquated *z's* and *u's* have generally been changed to their modern equivalents, except in proper names, where the exact spelling has been preserved. None of these changes has lessened the historical faithfulness of the record.

In the translation it has been the aim to present in clear language the meaning of the author. To this end, in some cases long paragraphs and involved passages have been broken up. Well established proper names have been written in modern form, but with less familiar Indian names the spelling of the original has been followed.

The editorial Introduction consists of an historical sketch of the ground covered by Arredondo, broadened to include the Georgia back country and extended chronologically to 1763, the time when the Anglo-Spanish contest was ended by the cession of Florida to England. The sketch is the result of extensive independent investigation, based on both manuscript and printed sources. Although more comprehensive, and at many points more explicit, in the main it bears out the soundness of the historical portions of Arredondo's account. The editorial notes to the document aim to supplement Arredondo's record and to check it by the results of modern scholarship. Author's notes are

indicated by asterisks and daggers, editorial notes by numerals.

This contribution from the Pacific Coast to the history of the Atlantic Seaboard is a token of the unity of the story of all Spanish North America. In the olden time the Georgia country was one of Spain's Northern Borderlands, linked by common ties with the whole frontier that stretched from the Caribbean westward to the Pacific Ocean. At the very time when Oglethorpe was invading Florida and Vernon was attacking the Isthmus, the Viceroy of New Spain was urging the defensive colonization of Tamaulipas, and taking measures to protect the California coast and the Manila galleons against capture by George Anson.

My own interest in the early history of the Caribbean area and the "Old Southeast" is one of long standing. In *The Colonization of North America* (Bolton and Marshall), this phase of American history was given new emphasis. Indeed, it was while at work on that book, nearly ten years ago, that I first acquired and used the Arredondo manuscript. In the original draft of *The Spanish Borderlands* there was a chapter on "The Anglo-Spanish Border," which treated briefly the ground covered here in "The Debatable Land," but it was finally cut to a few paragraphs for lack of space, according to the plan of the series in which the book appeared. For several years past, different students in my seminar have studied one or another subject in the field indicated. Three of these especially, Dr. William Edward Dunn, Miss Mary Ross,

and Dr. James Guyton Johnson, have brought portions of their work to valuable fruition in published articles or books.

In more recent years there has been a veritable renaissance of interest in the history of the "Old Southeast." Dr. John R. Swanton has made excellent researches in the early history of the Creek Indians; Professor Verner W. Crane is shedding a flood of new light on the southward advance of the English border in the seventeenth and eighteenth centuries; and Dr. Peter H. Guilday is admirably promoting the early Church history of the region. Especially notable is the work now going on under the direction of the Florida State Historical Society. Through the leadership and the generosity of Mr. John B. Stetson, Jr., and under the scholarly editorial supervision of Dr. James A. Robertson, the Society is proceeding rapidly to the publication of original documents and the preparation of monographs. Notable among the publications thus far completed are Dr. Hrdlicka's *Anthropology of Florida* and Jeannette Thurber Connor's edition of Solís de Merás's *Menéndez de Avilés.*

The preparation of this volume has put me in debt to many persons. First of all must be mentioned Mr. Sidney M. Ehrman, whose generosity and personal interest have made its publication possible. Thanks are due to the administration of the University of California for permission to publish the volume through its press. Especially am I grateful to Mr. Joseph W. Flinn, University Printer, for his great skill

and his infinite care in the production of the book. From Mrs. Nellie Vandegrift Sánchez I have received valuable aid with the translation. It is a pleasure to acknowledge the help rendered by Mr. Herbert B. Foster in drafting the maps. For inestimable assistance in the preparation of the Introduction I am indebted to Miss Mary Ross. The actual writing was done by myself, but so great has been her aid that this portion of the work is being published separately under joint-authorship with the title *The Debatable Land*.

HERBERT E. BOLTON.

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February 22, 1925.

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THE DEBATABLE LAND

A SKETCH OF THE ANGLO-SPANISH CONTEST FOR THE GEORGIA COUNTRY

CHAPTER I

A BIRD'S-EYE VIEW

It is not generally known that for more than a century the Georgia coast was dotted with Spanish missions. But such was the case. From St. Marys River on the south to Port Royal (South Carolina) on the north little centers of Spanish influence were planted in the midst of nearly every coast tribe. Scores of devoted missionaries lived among these children of the forest and taught them the Gospel of Christ. Small soldier garrisons protected the missionaries from their neophytes and guarded the country against the intrusions of unwelcome European neighbors. The Georgia coast constituted the district of Guale, and was a part of the province of La Florida. Most of the Spanish establishments in Guale were on the islands, for these are *terra firma*, while the adjacent mainland presents a wide strip of difficult swamp and salt-marsh, which even yet is unsubdued.

Missionary activity in the Georgia country was not confined to the seaboard. Occasional journeys were made by the friars to the inland tribes. Westward from the Atlantic coast a line of missions stretched along the southern border all the way from Cumberland Island to the lower reaches of the Apalachicola and thence onward to Pensacola. On the banks of the Chattahoochee, near the western fringe of Georgia, a mission was planted in the village of Sábacola. Below the falls of the same stream a presidio was established in the midst of the Apalachicolas, or Lower Creeks.

Spain's principal agents on the Georgia frontier were the missionary and the soldier. The supporting base from which they went forth and by which they were sustained was San Agustín, capital of the province of Florida, of which the Georgia country was a part. Here a presidio served as the center of supply and control, and furnished succor in time of need. The guardian outpost on the north till 1587 was Santa Elena (Port Royal), with its presidio of San Felipe. After Santa Elena was withdrawn, Santa Catalina, near the Savannah, held the border for nearly a century. Spain's main pathways between

these outposts were cut through the water. Larger craft braved the storms and waves of the outer sea; smaller vessels sought the shelter of the friendly Inland Passage that winds between the mainland savannahs and the necklace of islands that front the ocean.

The Georgia missions, with their slender garrisons, were not alone signs of Spain's desire to spread the Faith. They were evidences, likewise, of her title to all the vast area included in our "Old Southeast." This title was soon enough contested. From the days of Ribaut and Drake, French and English freebooters almost incessantly came up out of the Caribbean, traded with the natives of the interior, and raided the Spanish settlements on the Atlantic coast. After the founding of Charleston in 1670 the English colonists steadily encroached on the Spanish settlements in Guale, while in the back country the Carolina traders challenged Spain's hold on the Apalachicola Confederacy.

The advantage was with the more aggressive contestant. Step by step the Spanish frontier receded. Santa Elena was first yielded. Then, after a century's actual occupation of the Georgia coast, in 1680 Spain

withdrew her Guale outpost from Santa Catalina (St. Catherines) to Zápala and the Altamaha. Six years later, after new raids of Carolinians, Indians, and buccaneers, the frontier retreated to the St. Marys. A decade and a half still later, during Queen Anne's War, it fell back to the St. Johns.

Nor could Spain exclude the English from the hinterland. In vain she sent missionaries to Sábacola; in vain she sent expeditions to capture the traders; in vain she fortified the Chattahoochee. The contest there upset tribal relations and drove the Lower Creeks eastward to the Ocmulgee. Incident to the struggle the Carolinians ruthlessly laid waste thirteen missions in the Tallahasse district that had been continuously occupied by Spain for seventy years.

The Yamassee War (1715) demonstrated the need, long felt, of a buffer English outpost south of the Savannah. The effort to provide it by establishing Fort King George on the Altamaha precipitated a sharp diplomatic controversy. With the coming of Oglethorpe's Georgia colony in 1733 a half decade of bluster and argument followed on that noisy border. The contest for Guale then

became part of a larger struggle known as the War of Jenkins' Ear, in which failures were the rule on both sides. The result was indecisive, and Georgia continued to be "debatable land." For a decade or more England nursed the idea of a Neutral Ground, unoccupied by either contestant. She would "make a solitude and call it peace." Hoping thereby to conciliate Spain, she forbade Englishmen to settle south of the Altamaha. But unruly frontiersmen flouted the order and violated the Neutral Ground. In spite of English diplomacy, Spain entered the Seven Years' War, and thereby lost all her lands east of the Mississippi. The century-long contest over the Georgia country was thus ended.

CHAPTER II

THE SPANISH PIONEERS IN GEORGIA AND SOUTH CAROLINA

(1566–1670)

Georgia land, and indeed the whole South Atlantic coast of North America, came into history as a region lying across the pathway to fabled realms of untold wealth and alluring romance. Ayllón, seeking to exploit the land of the Giant King Datha, planted a short-lived colony on the shores of South Carolina (1526). De Soto, in quest of golden Yupaha, and then of enticing Coosa, trod Georgia soil for nearly half a thousand miles. The land failed to yield "gold in quantity," so two decades passed before it was visited once more. The expedition of De Luna and Villafañe sent to plant colonies at Coosa and Santa Elena became the helpless plaything of a hurricane that swept the harbor of Pensacola, where they landed. Discouraged at these costly failures, King Philip II now declared

that no further attempt should be made to colonize inhospitable Florida (1561). There were better lands in Mexico and Peru. And so the curtain was rung down on the first act of Georgia and Carolina history.[1]

But Philip's decision was premature. He could not abandon Florida if he would. His words were hardly cold when Frenchmen intruded. Ribaut's ill-starred colony at Port Royal miserably failed (1562). Then Laudonnière planted Fort Caroline on St. Johns River, near the site of Jacksonville (1564). The French menace called for action, and

[1] Early Spanish activities in the southeastern portion of the United States are treated in English by Woodbury Lowery in his two-volume work on *Spanish Settlements Within the Present Limits of the United States, 1513–1574* (New York, 1901, 1905); Bolton, Herbert E., *The Spanish Borderlands* (New Haven, 1921), chs. 1, 3, 5; Shea, J. G., *The Catholic Church in the United States*, vol. I (New York, 1886). Their place in the general history of North America is set forth briefly in Bolton and Marshall, *The Colonization of North America* (New York, 1920), 24, 40–42, 61–65, 253–257. An excellent general account in Spanish is contained in Barcía, Andrés González (Cárdenas), *Ensayo Cronológico para la Historia General de la Florida* (Madrid, 1723). An indication of the original documents for the period before 1543 is given by Hodge and Lewis (editors), *Spanish Explorers in the Southern United States, 1528–1543* (New York, 1907). An interesting account of the expedition of Fray Luís Cancer and that of De Luna and Villafañe is contained in Dávila Padilla, *Historia de la fundación y discurso de la provincia de Santiago de Mexico*, etc. (Brussels, 1625).

Philip sent his ablest seaman to eject the intruders and colonize the threatened coasts. In September, 1565, Menéndez de Avilés reached Florida with a large colony and founded San Agustín. Ten days later he marched stealthily overland, surprised Fort Caroline at dawn, and mercilessly slew most of its defenders.[1]

"Pious cutthroat," Parkman has called Menéndez. But he was more than that. He was a constructive colonizer as well as a hard-fisted soldier. He did not stop with wordy plans; he executed. Within a year he had a line of posts and settlements all the way round the coast from Tampa Bay to Santa Elena (Port Royal).

It was in April, 1566, that the great Adelantado made his first visit to the northern Georgia coast. The chief of Santa Catalina (St. Catherines) Island, where Menéndez

[1] Good accounts of the early French in Florida are given by Lowery, *Spanish Settlements within the present limits of the United States, Florida, 1562–1574*, Bk. I; Parkman, Francis, *The Pioneers of France in the New World;* and Barcía, *Ensayo Cronológico*, 45–46. A briefer sketch is in Bolton, *The Spanish Borderlands*. French accounts are Paul Gaffarel, *Histoire de la Floride Française* (Paris, 1875); Basanier, *Histoire Notable de la Floride* (Paris, 1586), reprinted in Gaffarel, 347–376); Lescarbot, *Histoire de la Nouvelle France* (Paris, 1611).

landed, was an old man called Guale. From this circumstance the name Guale was specifically applied to the island; but it was gradually extended down the entire Georgia coast islands and mainland from Santa Elena to the St. Johns. Landing with fifty men, the Adelantado made friends with old chief Guale, and soon had him sitting on the beach eating biscuits "with gusto." When he departed Menéndez left his nephew and another Spaniard as hostages. On his way back from Santa Elena in August he made another stop of eight days in Guale, and left there a garrison of thirty men. This post on St. Catherines was the first of a chain of Spanish settlements on the Georgia seaboard; its founding in 1566 was the beginning of more than a century's continuous occupation.[1]

[1] Menéndez was not the first Spaniard to visit Guale Island. In 1564 Hernando Manrique de Rojas was sent from Cuba to remove the remains of the colony left at Port Royal by Ribaut. Twelve or fifteen leagues south of Port Royal he visited a town called Guale. It was evidently identical with the Guale visited by Menéndez. The early English settlers of South Carolina used the name Guale for the Georgia coast, spelling it "Wallie," a phonetic equivalent for the Spanish "Guale." The identification of Guale with Amelia Island is correct only after 1686, when the Guale missions were moved southward across the St. Marys. "Lengua de Guale" in the early documents meant, variously, the language, an interpreter, the island, the tongue of land, or the district, of Guale.

While Menéndez hurried up and down the coast, brave Pardo and Boyano explored the back country of Carolina and Georgia. They garnered little or no gold. But they brought back stories of treasure that circulated on the frontier for a century, grew bigger with each passing generation of yarn spinners, and inspired more than one later expedition to the Georgia interior.

Menéndez was a soldier of God as well as of the King. So he brought Jesuit missionaries to teach the natives Christianity and the elements of European civilization. Brothers Domingo Agustín and Pedro Ruíz led the way to Guale (1568). Three others soon followed. Brother Domingo was a born linguist, and within six months he had translated the Catechism and prepared a grammar in the Yamassee tongue. This Guale grammar, it would seem, was the first ever written on United States soil. But Brother Domingo wrote no more grammars in this world. Before the end of the year he died during an epidemic, a martyr to the Faith in Georgia. Father Rogel went to Orista, near Port Royal, or Santa Elena. On the southern end of the Georgia littoral Menéndez established another garrison called San Pedro. It was soon fol-

lowed by a mission. These first Jesuit missionary labors were short lived. The Indians had their own view of things. During an uprising in 1570 the missions of Guale and Orista were deserted. Father Segura and his little band withdrew to Virginia, where they were forthwith slaughtered by the very Indians they hoped to save. At the same time the garrisons at San Agustín, San Pedro, and San Felipe were reduced to fifty men each.

The Jesuits had gone; Menéndez soon followed them.[1] For seven years La Florida had been the great man's chief care. In 1572

[1] The work of Menéndez de Avilés is sketched in Lowery's second volume, *Florida, 1562–1574*. The book is sound. Although Parkman (*Pioneers of France in the New World*) is unsympathetic toward the Spaniards, his sketch of Menéndez's career possesses literary qualities lacked by that of Lowery, and is still valuable. A contemporary account is the *Memorial que hizo el Doctor Gonzalo Solís de Merás, de todas las jornadas y sucesos del Adelantado Pedro Menéndez de Avilés*. It was published in Spanish by Ruidíaz y Caravia in his *La Florida, su conquista y colonización por Pedro Menéndez de Avilés* (Madrid, 1893). Just recently an excellent English translation of Merás has been made by Jeannette Thurber Connor and published under the title of *Pedro Menéndez de Avilés* (Deland, 1923). Ruidíaz gives a good sketch of Menéndez's life, ample bibliographies, and extensive documentary appendices. His book is fundamental for the early history of the Atlantic coast. Barcía's *Ensayo Cronológico* contains a good general account. Other contemporary accounts are in Genaro García (ed.), *Dos Antiguas Relaciones de la Florida* (Mexico, 1902). Data concerning Father Rogel will be found in the *Historical Magazine*, vol. V, pp. 327–330 (New York, 1861).

he left it never to return. Now for the greater part of two decades the fortunes of the province were directed by his able nephew, Pedro Menéndez Marqués. Among his manifold difficulties Indian uprisings in Santa Elena and Guale were not the least. A Christian chief was killed in Guale. Solís, commander at Santa Elena, posted down the Inland Passage and hanged some of the offenders. When their chance came, the Gualeans repaid the compliment by massacring nine Spaniards at Espogache, a village near the Altamaha.[1] Among the slain was Pedro Menéndez, the Crosseyed, another nephew of the Adelantado.

These Indian disturbances were encouraged by French corsairs who harried the coast, for other Gauls had followed in the wake of Ribaut. They traded profitably in sassafras, and they intrigued with the Indians. But

[1] The rebellion at Santa Elena in 1576 and the raids of Estrozi and Gil are treated by Mary Ross of the University of California in her "French Intrusions and Indian Uprisings in Georgia and South Carolina, 1577–1580" (*Georgia Historical Quarterly*, Vol. VII, no. 3, September 1923, pp. 251–281). The wealth of materials for this period in the Archivo General de Indias is indicated by the footnotes to Miss Ross's article. A description of the new fort built at Santa Elena after the uprising of 1576 is given by Flores in his manuscript report made in 1578 (A. G. I., 2-5-2/10). A later French intrusion is treated by Miss Ross in "The French on the Savannah, 1605" (*Georgia Historical Quarterly*, Vol. VIII, no. 3, September, 1924, pp. 167–194).

some of them paid dearly for their ventures. One such was Estrozi, head of one of these marauding bands. He was captured by Marqués in Guale, taken to San Agustín, questioned, and then summarily executed with twenty-two of his men (1579). In the following summer no less than twenty French corsair vessels were seen on the Georgia coast. Their leader, Captain Gil, was slain in a hot-fought battle in San Juan River. Marqués now had a breathing spell. But these were not the last of the sassafras gatherers.

Such a frontier demanded more missionaries, and the place of the Jesuits was taken by the Franciscans. These "precursors" began a work in Georgia which lasted for a century—and was then forgotten.[1] The first band of

[1] Most of the records of the work of the first Franciscans in the Georgia country are still in manuscript. Many of these are contained in the Archivo General de Indias. Barcía (*Ensayo Cronológico*) gives valuable data. Torquemada, *Monarquía Indiana* (Madrid, 1723), Ch. XXX, gives a detailed account of the uprising of the Guale Indians, which occurred shortly before he wrote. This book was first printed in Seville in 1615. In modern times pioneer work of high character was done by John Gilmary Shea, in his *Catholic Church in the United States*, vol. I. Shea was followed closely by Rev. Father Zephyrin Engelhardt in a series of valuable articles published in the *Franciscan Herald*, vols. I-III (1913–1915). More recently J. G. Johnson has published *The Spanish Period of Georgia and South Carolina, 1566–1702* (Bulletin of the University of Georgia, May, 1923).

the Little Brothers came to Santa Elena in 1573. Most of their work centered around San Agustín. Part of them went to Guale only to be driven out or slain. But the friars held on. Churches were built in the principal towns—at Tolomato, at Tupique, at Guale, at Yoa. On the southern coast San Pedro (Cumberland Island) became an important missionary center, where Father Baltasar López won fame. But the hero of all this early Franciscan period was Fray Alonso Reynoso. Devout, gentle, zealous, tireless, his figure, though shadowy in the distance, still looms large and strong. He was a sixteenth century Serra on the Atlantic coast.[1]

[1] Father Reynoso's work is dealt with in a Council warrant, Madrid, November 12, 1583; royal cédula to the Casa de Contratación, November 22, 1583; to Fray Alonso de Reynoso, March 31, 1584; to the Casa de Contratación, February 3, 1587; to the same, February 23, 1587; to the royal officials of Florida, October 11, 1589; to the same, October 18, 1589; the Council of the Indies to Antonio de Cartagena, November 6, 1589; royal cédula to the officials of Florida, March 17, 1587; to the Casa de Contratación, June 1, 1587; to the same, September 20, 1589; to the governor of Florida, March 6, 1590 (all the foregoing are in A. G. I., 154–1–18). In a letter dated at San Agustín, May 10, 1586, Governor Marqués wrote in highest praise of the friar. "I can tell your Majesty that he has worked hard among these people, for since he came he has never left them." (A. G. I., 54–5–16, Doc. no. 48.) His work is reviewed in a document of 1602 entitled Florida, Materias Gubernativas (A. G. I., 86–5–24).

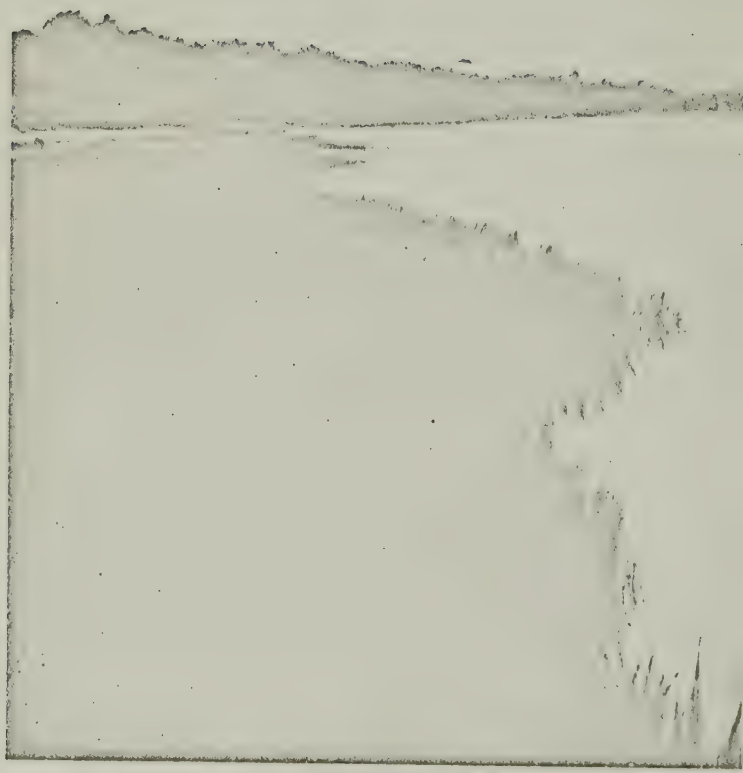
Guale's importance was increased by Drake's attack, for that bold raid caused the removal of the Santa Elena garrison to San Agustín (1587). Santa Catalina, the mission near the Savannah, was now the northern outpost. A new epoch was opened in 1595, when, in the cool of October, Governor Avendaño conducted five more friars to Guale. Gratifying success attended their labors. In seven towns along the Georgia coast old churches were restored or new ones built.[1] Father Chozas the explorer, and Pareja the linguist, labored on San Pedro Island; Dávila, the captive-to-be, on Ospo (Jekyl); Velascola the Cantabrian giant, on Asao (St. Simons); the veteran Corpa on the mainland at Tolomato, across from Zápala (Sapelo) Island; Rodríguez at Tupique three leagues north, and also on the mainland; Auñon and Badajoz at Santa Catalina. Encouraged by bountiful harvests on the coast, Fathers Chozas and Velascola journeyed inland eight days on horseback to

[1] An illuminating report of the missions in 1597 is given in Ynformación hecha en S. Agustín de la Florida ante fray Francisco Marron, custodio cura y vicario de aquellas Provincias, sobre la pobreza y necesidad en que se encuentran los Religiosos Misioneros y del buen efecto de las misiones entre los naturales. January 23, 1597 (A. G. I., 54–5–20).

distant Tama and Ocute, Creek towns near the upper Altamaha. Their enthusiastic reports revived old tales of Boyano's Diamond Mountain, and stirred up new dreams of interior conquest.

For two years the Guale missions flourished. Then suddenly the thunderbolt of rebellion came out of a clear sky. Juan, a heady young chief, heir of the mico of Tolomato, organized a conspiracy. Followers were not hard to find, and in September, 1597, the blow fell.[1] Father Corpa was slain and beheaded. From Tolomato the angry mob rushed to the other missions, gathering strength as it went. The tide first turned north and then it surged southward. Father Rodríguez at Tupique, Auñon and Badajoz at Santa Catalina, and Velascola at Asao, suffered a fate like that of Father Corpa. Father Dávila at Ospo was wounded, seized,

[1] The story of the Guale revolt is set forth at some length by Torquemada in his *Monarquía Indiana*, which was written shortly after the event. Barcía (Cárdenas) retold the story a century and a quarter later in his *Ensayo Cronológico*. Accounts in English are given by Shea (*The Catholic Church in the United States*, I); Engelhardt (*Franciscan Herald*, vol. I), and Johnson, J. G. ("The Yamassee Revolt of 1597 and the Destruction of the Georgia Missions," *Georgia Historical Quarterly*, vol. VII, pp. 44–53, March, 1923).



Santa Catalina Island, looking south, down the Inland Passage.

and carried into a captivity that was worse than death. But the Indians at San Pedro remained faithful, and there the bloody massacre spent its force.

A hurried appeal for help was sent from San Pedro to San Agustín. To punish the offenders Governor Canzo arose from a sick bed and sailed north up the Inland Passage with a hundred and fifty soldiers. The Indians everywhere fled in terror.[1] At Ospo, Zápala, Tolomato, Guale, Tupique, Asao, and Talaje, Canzo destroyed all that was left of towns and cornfields. But he could find no Indians to chastize. Other punitive expeditions were made, and the Indians at last submitted. After nearly a year Father Dávila was recovered from captivity. Don Lucas, a young

[1] Manuscript materials for the history of the subjugation of the Indians are voluminous. Some of the documents are the following: Carta del Gobernador de la Florida Gonzalo Mendez de Canço á S. M. San Agustín, February 23, 1598 (A. G. I., 54–5–9); Ynformación sobre la muerte de los Relixiosos, July 11, 1598 (A. G. I., Patronato, 1–1–1/19 Ro. 28);Carta de Gonzalo Mendez de Canço, Gobernador de la Florida, á S. M. En ella trata de la muerte que dieron los Yndios de guale á los Religiosos, San Agustín, August 8, 1598; Auto y pregon del Gobernador de la Florida Gonsalo Mendes de Canço, sobre la libertad de los Yndios, January 31, 1600; Testimonio cerca de la pacificacion de los caciques de la provincia de Guale. May 18, 1600 (A. G. I., 54–5–9).

hostage who confessed to a part in the uprising, was hanged at San Agustín on the public scaffold. The harsh punishment had its effect. Now the Guale chiefs renewed their allegiance, were granted pardon, and once more loyally furnished levies of laborers for the public works at San Agustín.

The restoration of the missions followed. They were urgently needed. The coast demanded protection against a new swarm of French corsairs. The interior beckoned. Canzo projected a colony at Tama, and sent Juan de Lara inland nine days to investigate rumors of strangers.[1] To prepare the way for missionaries, Ibarra the new governor, made a triumphal visit to the Guale towns. There was another year of waiting, then seven more sandaled friars reached San Agustín. Early in 1606 part of them were escorted north up the Inland Passage. The destroyed churches had already been rebuilt, and the friars were welcomed with ceremony. Once more the

[1] Ideas concerning the interior, and plans for interior expansion, are set forth in Ynformacion hecha de oficio ante Don Gonzalo Mendez de Canço, Gobernador de las Provincias de la Florida, sobre la situation de la Tama y sus riquezas y de la poblacion de Ynglesses. San Agustín, February 4, 1600; Carta del Gover.or de la Florida, 22 Sep.e 1602 (A. G. I., 54-5-9); Florida, Materias Gubernativas, 1602 (A. G. I., 86-5-24).

Georgia forests echoed the peaceful tones of the Angelus bell. Father Juan de Capillas took charge at San Pedro; Pedro Delgado at Talaje and Espogache; Pedro Ruíz at Santa Catalina. What these Brown Robes had accomplished by summer is revealed in the report by the bishop of Cuba, who then made the first pastoral visit ever accomplished on United States soil. At the four Georgia missions he confirmed 1070 neophytes. Guale had come back to the Christian fold.[1]

Activity in the Georgia missions was stimulated by a new cloud in the northern sky. In the very year after the Franciscans returned to Guale the English settled at Jamestown. Philip III might easily have crushed the weak little post, but he tempor-

[1] The manuscript materials for the restoration of friendly relations with Guale and the reestablishment of the missions are extensive. The following are some of them: Visita hecha por el Gou^or. G^o. Mendez de Canzo, February, 1603; Carta del Gouer.^or de la Florida G.^o Mendez de Canço, 15 de Abril, 603; Discurso del uiaje que ba a hacer el Señor Pedro de Ybarra . . . November, 1604; Opinion of Juan Maldonado Barnuevo, Valladolid, March 21, 1605 (A. G. I., 54-5-9); Carta de Pedro de Ybarra al padre Benito Blasco, San Agustín, December 7, 1605; Testimonio de una carta de Pedro de Ybarra al Padre Fray Vermejo, December 13, 1605 (A. G. I., 54-5-17); Relacion presentada a S. M. en su Consejo de Yndias, June 26, 1606 (A. G. I., 54-5-20); Ybarra to the King, June 26, 1606 (A. G. I., 54-5-9).

ized, misled by his advisors to think that the struggling colony would fail through disease and starvation. Nevertheless, the danger set in motion a new wave of missionary activity. Indeed, the seventeenth century was the Golden Age of the Franciscans in the "Old Southeast." Their work was at once a crusade against heathendom and a defensive move to hold the border.[1] In 1612 the Atlantic coast was included in a new missionary province called Santa Elena, and Fray Juan de Capillas, the Georgia missionary, went to live at Havana as first provincial. New friars came in large numbers. Fray Luís de Ore, "gran teólogo," arrived with twenty-four workers in 1612. All through the century others followed at frequent intervals. Thirty, forty, or even fifty at a time was the usual corps in the Florida province, of which Guale was a part. Baptisms were sometimes stimulated by epidemics; at other times they were

[1] For Spain's reaction to Virginia, see Brown, Alexander, *Genesis of the United States* (Boston, 1890), I, 115–127, and elsewhere; Brown, Alexander, *The First Republic in America* (Boston, 1898), 91; Inez A. Wright, "Spanish Policy toward Virginia" (*American Historical Review*, April, 1920, 448, *et seq.*); *Calendar of State Papers, Colonial, America and the West Indies* (London, 1860–1910), 1675–78, pp. 45 *et seq.* See also the following manuscripts: Carta incompleta de Pedro de Ibarra,

retarded by lack of funds. The friars continued to make occasional visits to Tama in the interior, and by the middle of the century they had returned to Santa Elena (Port Royal).

Of the missions on the coast we have a picture drawn in 1655. Five of them were within the present Georgia. These were San Pedro on Cumberland Island; San Buenaventura on St. Simons Island; Santo Domingo at Talaje, on the mainland; San José on Sapelo Island; and Santa Catalina on St. Catherines Island. Beyond the Savannah, in South Carolina, there were San Felipe on Parris Island, and Chatuache, six leagues farther north.

Varied indeed were the labors of these pioneers of Georgia and South Carolina. At the missions there were churches and houses to build, fields to clear, and the monotonous round of spiritual offices to perform. There

January 4, 1608 (A. G. I., 54–5–9); Royal cédula to Pedro de Ybarra, "sobre que haga descubrir las bayas y puertos que ay en la Virginia." El Pardo, November 8, 1608 (A. G. I., 87–5–2); Alonso de las Alas to the King, San Agustín, November 23, 1609 (A. G. I., 56–5–14); Orden del Gobernador D. Pedro de Ybarra (de S. Agustín de la Florida) a el Capitan Francisco Fernandez de Ecija para reconocer las costas del norte (A. G. I., Patronato 2–5–3/16); Derrotero que hizo Andres Gonzales al Xacan (A. G. I., Patronato 1–1–1/19 R°. 31).

were children to instruct, daily masses to be sung, and special ceremonies to be performed on feast days; there were marriages to solemnize, babes to baptize, medical aid to administer to the sick, and last rites to perform for the dying and the dead. All these activities must be carefully written down as a matter of record.[1] This, too, was faithfully done, for models of neatness are the old mission books. But these routine labors were only part of the missionary's toil. He must write long letters to his religious superiors or to the governor at

[1] Data concerning Father Ore's friars is given in Barcía, *Ensayo Cronológico*, 181–184. Missionary progress is revealed in Carta a S. M. de Varios Religiosos, January 17, 1617; Carta del Provincial y definidores, January 21, 1617; Carta de Fray Juan de Santander, November 25, 1630 (A. G. I., 54–5–20); Copia de carta que Luís de Horrúytiner escrivio a Su Magestad, November 15, 1633 (A. G. I., 54–5–10); Barcía, *op. cit.*, 197; Shea, *The Catholic Church in the United States*, I, 162–5; Carta para S. M. de Fray Francisco Alonso de Jesus, February 7, 1635; Gov. Ruíz to the King, April 16, 1645 (A. G. I., 54–5–10); Memoria de las Poblaciones, MS. cited by Shea, *op. cit.*, p. 166; Consulta del consejo, July 28, 1646 (A. G. I., 54–5–20); Barcía, *op. cit.*, 212; Father Pérez, Memorial para S. M., July 28, 1646; Memorial of Fray Pedro Moreno Ponce de León, July 21, 1648; Memorial of Fray Pedro Moreno Ponce de León, September 7, 1651; Petition of Guale Indians, October 17, 1657 (A. G. I., 54–5–20). Rebolledo to the king, October 18, 1657 (in Brooks, A., *Unwritten History of Old St. Augustine* (St. Augustine, 1909?), 102–105). Relación de los Religiosos, July 8, 1658 (A. G. I., 54–5–20); the governor to the king, August 6, 1668 (A. G. I., 54–5–9).

San Agustín. He must report all disturbances among the Indians, or rumors of intruding Englishmen; for these missionaries were news-agents and diplomats on the frontier, as well as spiritual teachers.

Missions were not solely a matter of friars and soldier guards. The Indian was the central figure; and he was not always happy. He was between two masters, the secular and the spiritual arms of the state. Sometimes he complained. Sometimes he was able to make his voice heard—not always. His complaints were quite as likely to be echoes of the wranglings of friar and official as of the yearnings of the neophyte for a happier lot.[1] In rare instances, as had been the case in 1597, he broke out in open revolt.

The shadow of Jamestown soon projected itself into the Carolina-Georgia back country.

[1] Los Religiosos de San Francisco Fr. Sebastían Martínez, Fr. Carlos de Anguiano y Fr. Gabriel Fernández, a S. M., Guale, Noviembre 8, 1657. They transmit a complaint of the Guale Indians dated October 16, 1657 (A. G. I., 54–5–20); Dictamen fiscal, Madrid, May 24, 1660; Governor Alonso de Aranguíz y Cotes to the king, November 15, 1661 (El Gobernador de la Florida informa á S. M. contestando a una Real Cédula, sobre lo que pidió Santiago, Mico de Tolomato, y otros principales, cerca de que los Gobernadores, les occupaban en servicios personales, etc. (A. G. I., 54–5–10).

Ever since the days of the Roanoke colony the English settlers had talked of Spanish mines and west flowing rivers in the interior. These loadstones of adventure lured Englishman as well as Spaniard. Loquacious John Smith led the way to the falls of the James. Other Anglomen unknown to history soon followed his track and lengthened it toward the Spanish border.[1] Echoes of their movements reached Spanish circles, where a little fact got sadly mixed with much imagination. Guale Indians reported strange men on horseback, and ruddy faced foreigners who found favor with the Indian women. Fear of foreign intrusion was intertwined with an ever recurrent desire to seek the pearls of Cufitachiqui, or Boyano's Diamond Mountain.

From time to time, in the course of the seventeenth century, Spanish expeditions were sent to investigate these rumors. Soldiers and Indians despatched by Governor Salinas in 1624 scoured the Georgia-Carolina interior for

[1] For English activities see: Peter Force, *Tracts and Other Paper Relating principally to the Origin, Settlement, and Progress of the Colonies in North America*, III, no. 11, p. 15 (Washington, 1844); Alvord and Bidgood, *The First Explorations of the Trans-Allegheny Region by the Virginians, 1650–1674* (Cleveland, 1912), 103, 104.

one hundred and fifty leagues, but they found no trace of the rumored "gente blanca á caballo." Another party sent by Salinas had like success. A little later Pedro de Torres, ten soldiers, and sixty Guale Indians traveled four months in the back country of Georgia and Carolina, and covered two hundred leagues (1628). They, too, failed to find Englishmen. Rumors of fair-haired strangers continued to come, and in 1661 a Spanish expedition was made all the way across Georgia to the Apalachicolas, or Lower Creeks.[1]

During these years things were happening on the southern fringes of Georgia. The old Timucua missions reached northward to minister to the Indians in the region where Statenville and Valdosta now stand. The center of a new movement was Apalache, with San Luís (now Tallahassee) as its focus. Toward this important region in the back

[1] Luis de Rojas y Borja to the king, January 20, 1625; the king to Rojas, May 3, 1627; Carta de Don Luís de Rojas y Borja, Governador de la Florida á Su Magestad. Trata en ella de un descubrimiento de perlas hecho en Cofitachiqui. San Agustín, June 30, 1628; El Gobernador de la florida, D. Alonso de Aranguíz y Cotes a S. M., Florida, Septiembre 8, de 1662 (A. G. I., 54–5–10); El Alférez Juan Bauptista Terrazas a Su Magestad, *ca.* 1682, with decree of October 6, 1682 (A. G. I., 54–5–19 No. 50).

country French and English pirates on the Gulf, empty flour barrels at San Agustín, and the demand of the royal fleets for wild turkeys pointed the finger of prophecy. The Apalache Indians had long been asking for missionaries, but for lack of funds and workers the petition could not be answered till 1633. Then the guardian of the head monastery at San Agustín trudged westward and answered the call. Twenty years later there were nine flourishing missions in Apalache, all within a few leagues of the principal mission at San Luís. Some of them drew neophytes from the region that is now southwestern Georgia.

Missionary work carried with it other developments toward civilization in western Florida. A garrison was stationed at San Luís. Packet boats soon plied between San Agustín, Havana, and San Marcos Bay (1639). Apalache became a lively center for trade in deerskins and wild turkeys. Of maize and beans three or four thousand bushels were shipped annually to San Agustín. At Asile (Aucilla) a royal plantation was opened. Hostile Choctaws in the west, pirates on the Gulf, and English traders in the back country increased the importance of Apalache. The

military defence was strengthened, and San Luís became a base for advance toward Pensacola and up the Chattahoochee into western Georgia.[1]

[1] Manuscript materials for the history of the Tallahassee district in the seventeenth century are plentiful. The following are a few: Fray Francisco Alº de Jhs. á Su Magestad, Florida. Sin fecha, with Decreto 27 de Febrero de 1635; D. Luís Horruytiner, á S. M., S. Agustín. Junio 24, 1637; Same to same, September 12, 1638; Parrafos de una carta de Damian de Vega, August 22, 1639 (A. G. I., 54–5–10); Francisco Menéndez Marqués y Pedro Benedit Horruytiner, a S. M. July 27, 1647 (A. G. I., 54–5–20. Doc. no. 50); El Rey a Oficiales reales, Balzain, 24 Octubre, 1653 (A. G. I., 54–5–11); Memoria de las Poblaciones, 1655 (cited by Shea, *op. cit.*, I, 165–166); Carta de Fray Juan Gomez de Engraba, Havana, March 13, 1657 (A. G. I., 54–5–10. Doc. no. 73); Memorial of friars Francisco de San Antonio, Juan de Medina, Sebastián Martínez, Jacinto Domínguez, Alonso del Moral, and Juan Caldera, to his Majesty, Florida, September 10, 1657; Carta de los Religiosos de la Provincia de Santa Elena a S. M., September 10, 1657 (A. G. I., 54–5–20); Carta de los Religiosos de la Florida, June 16, 1664 (A. G. I., 54–5–18).

CHAPTER III

THE ANGLO-SPANISH CONTEST FOR GUALE (1670–1686)

A new menace now arose in the north. The English came up out of the Caribbean to settle on the very soil of old Santa Elena, next door to Santa Catalina. The impulse for the settlement of South Carolina came from the Antilles. Plantations there were playing out; new lands were needed; a "westward movement" to the mainland resulted. Sir John Colleton, Barbadian planter, interested a group of men in the Carolina country. A charter granted to eight Proprietors all the region from 36° to 31°. Two years later the paper boundaries were pushed south to 29°. Who cared that Spain at that very moment had, within the area granted, a line of settlements stretching up the coast for one hundred and fifty miles, some of them nearly a century old? Or that the grant included El Paso and Santa Fé?

William Hilton was sent from Barbados to explore the Carolina coast. When he arrived at Parris Island he found there Captain Argüelles with soldiers from San Agustín. Presents were exchanged. The Spaniards proffered venison and pork; the Englishmen responded with a jug of brandy. But Hilton was cautious and withdrew to avoid capture. The Spaniards had blocked the way to Port Royal.[1]

Three years later Yeamans, one of the Proprietors, took a colony to Cape Fear River. Then, while he returned to Barbados, Robert Sandford sailed south to explore. With him went young Dr. Henry Woodward, a man of destiny on that international border. Santa Elena was Sandford's goal. No Span-

[1] For Hilton, Yeamans, Sandford, and Woodward, see *Shaftesbury Papers* (South Carolina Historical Society Collections, Vol. V, 1897), pp. 18–28, 57–82, and index; McCrady, Edward, *The History of South Carolina under the Proprietary Government, 1670–1719* (New York, 1897), pp. 71–72, 81–93; *Calendar of State Papers, Colonial, America and West Indies, 1669–1674* (London, 1889), p. 246; Swanton, J. R., *Early History of the Creek Indians* (Washington, 1922), 62–67. For a biographical sketch of Woodward, see Joseph W. Barnwell, "Dr. Henry Woodward, The First English Settler in South Carolina, and Some of his Descendants (*South Carolina Historical and Genealogical Magazine*, VIII, no. 1, January, 1907, pp. 29–41). Among Woodward's many distinguished descendants one was Robert Y. Hayne, of "Webster-Hayne debate" fame.

iards were there now, but "a faire woodden Crosse of the Spaniards ereccon" stood in the plaza of the town on Parris Island, and signs of preparation for new buildings were in sight. When on July 8 Sandford departed he took with him the nephew of the cacique of Santa Elena; in his place he left Dr. Woodward. A formal ceremony sealed the arrangement. The whole village being assembled, Sandford delivered Woodward into the keeping of the head chiefs and their wives. Woodward was placed beside the cacique on a throne, given the cacique's niece for a housekeeper, and endowed by the Niquesalla with "formall possession of the whole Country to hold as Tennant at Will of the right Hono[ble] Lords Proprietors."[1]

A site for a colony had been selected. But it was debatable ground, destined to witness stirring scenes. Twenty years of conflict were necessary to decide the possession of Santa Elena. Spaniard, Indian, and Scotchman, each lent color to the moving picture

[1] For the failure of the Cape Fear settlement and the founding of Charleston, see *Shaftesbury Papers*, 13, 25, 31, 52, 89, 93, 130, 136, 141–143, 158, 161, 163, 168, 178, 217–218, 263, 273; McCrady *Carolina Under the Proprietary Government*, chs. 3–5; Carroll, *Historical Collections of South Carolina*, I, ch. 2 (New York, 1836).

staged on its shores. The key to the border was in the pocket of Dr. Henry Woodward. He studied the country and learned the tongues of the natives. Months were spent in these pursuits, then Spaniards carried him to San Agustín. The English account has it that he was captured. The Spanish version is that he went of his own accord. Be that as it may, at San Agustín he found favor. He lived with the parish priest, became a Catholic, and was made official surgeon. Thus advantaged, he learned the secrets of the country and then awaited a chance to escape. It soon came. In 1668 the freebooter, Robert Searles, favored Florida with a visit.[1] By a mirth provoking trick he entered the harbor at San Agustín and ransacked the town. In the confusion Woodward fled to the English and with them sailed to the Antilles. Within two

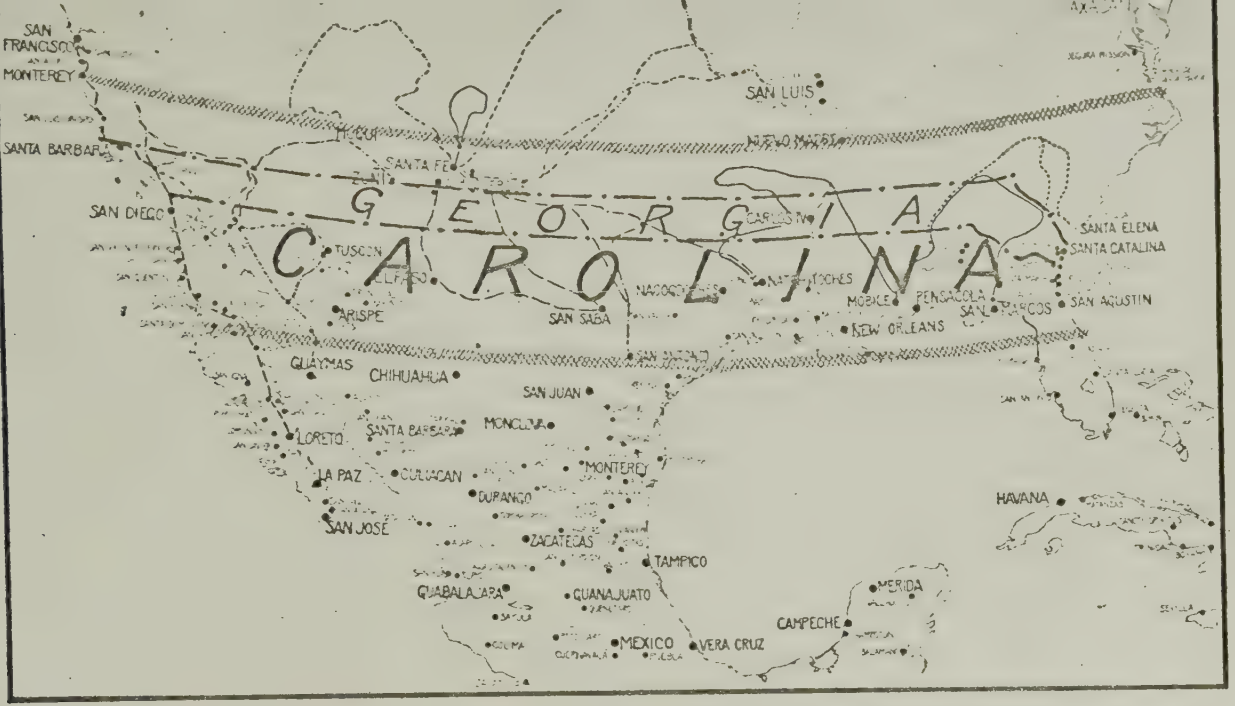
[1] For the Searles attack on San Agustín in 1668 and the escape of Woodward see Carta del Licenciado francisco Sotolongo, Cura de la Yglesia de aquella Provincia de la Florida, San Agustín, July 4, 1668 (A. G. I., 54–5–20); Carta de Juan Menéndez Marquéz, July 4, 1668; Carta del capitan Antonio de Agüelles, July 6, 1668 (A. G. I., 54–5–18); Governor Francisco de la Guerra y de la Vega to the queen, San Agustín, August 6, 1668 (A. G. I., 54–5–9); Carta de D. Nicolas Ponce de Leon á la reyna August 6, 1668; Carta de D. francisco de la Guerra y de la Vega, August 8, 1668 (A. G. I., 54–5–18).

years he was back in South Carolina, and ready once more to annoy the Spaniards.

Cayagua harbor and not Port Royal was now chosen for the seat of a colony, and there in 1670 Kiawah (Charlestown, Charleston) was founded. The Spaniards called it San Jorge. A few weeks later England's right to Charleston was legalized by a treaty which adopted the principle of actual occupation.[1] By it Spain recognized all English settlements then established, but no others.

The English colonists found themselves, as they complained, "in the very chaps of the Spaniards." And they soon felt their teeth. One of the vessels bound for Charleston by accident made anchor at Mission Santa Catalina, near the Savannah. The English were treated as invaders. In a skirmish several of the passengers were killed, and by a trick John Rivers and William Carr were captured. Governor Sayle at Charleston sent a rescue

[1] For the treaty of 1670, see Chalmers, *A Collection of Treaties* (London, 1790), II, 35; Calvo, *Colección Completa de Tratados* (Paris, 1862), I, 162; Herstlet, *A Complete collection of Treaties and Conventions* (London, 1840), vol. II. Haring, *The Buccaneers in the West Indies in the XVII Century* (New York, 1910), 196–197; 200, 209; Harris, F. R., *Life of Edward Montagu, First Earl of Sandwich, 1625–1672* (London, 1912), 84–109; 209–210; Stevens, *History of Georgia* (New York, 1847, Philadelphia, 1859), I, 141.



Map of the Carolina Grant of 1665 and of the Georgia Grant of 1732, superimposed on a map of the northern Spanish frontier.

expedition with a blustering threat. Joseph Bailey and John Collins carried the message from the sloop to the mission. They, in turn, were captured, and like Rivers and Carr, were sent prisoners to San Agustín.[1]

Governor Guerra was alarmed. Here was serious business, indeed. Stay at San Jorge the English must not, for they were on Spanish soil. So three frigates were equipped and put under command of Juan Menéndez Marqués. Fourteen pirogues rowed by Indians accompanied the ships. When on August 18 the crimson and gold waved off Cayagua harbor there seemed little hope for San Jorge. But the mighty Atlantic intervened to protect

[1] For the capture of Rivers, Carr, Bailey, and Collins and their experience at San Agustín, see *Shaftesbury Papers*, 135, 169, 170, 199, and index; W. E. Dunn, "Letter from Joseph Bailey," December 12, 1672 (*South Carolina Historical and Geneological Magazine*, XVIII, pp. 54–56, no. 1, January, 1917. See below); *Colonial Records of North Carolina*, I, 207 (Raleigh, 1886); McCrady, *op. cit.*, 126–129; Declaraciones de los Yngleses, San Agustín, October, 1671 (A. G. I., 58–1–26); Governor Manuel de Zendoya to the crown, March 24, 1672 (A. G. I., 54–5–11); Joseph Bailey to the ambassador from England to Spain, San Agustín, December 12, 1672; filed with the original English letter is a Spanish translation (A. G. I., 58–1–26); Certificación sobre defuncion del Ingles D. Juan de Rivera, San Agustín, March 8, 1675 (A. G. I., 54–5–11); Salazar to the crown, January 20, 1677; Salazar to the crown, March 6, 1680, enclosing declarations of five English prisoners at San Agustín (A. G. I., 58–1–26).

the infant colony. A heavy sea carried away the cables of the Spanish frigates and they withdrew to San Agustín.[1]

Charleston was safe for the moment. But for years the settlers lived in dread. Indian disturbances were charged to Spanish complicity. The danger was increased by runaway white servants and negro slaves. Fear was mingled with anger.[2] Then arose the cry that "Wallie" with its hated missions must be destroyed. Destroyed they were in due time.

The English intrusion, coupled with fierce pirate raids, stimulated a Spanish program of defense. At Santa Catalina a garrison was now established beside the mission. It was the founding of Charleston that introduced the stone age at San Agustín. Hitherto the old fort had been a wooden structure. But now a crisis had arisen. Funds were appro-

[1] The expedition of Marqués against Charleston is briefly treated in Echagaray's Memorial, 1684, paragraph 1 (A. G. I., 61–6–20); Report of Guerra, Madrid, July 12, 1673 (A. G. I., 58–1–26); see also *Shaftesbury Papers*, 178, 194, 198–199; McCrady, *Carolina under the Proprietary Government*, 130; Carroll, B. R., *Historical Collections of South Carolina*, II, 370 (New York, 1836).

[2] Uneasiness at Charleston over the Spanish border in 1671–1672 is reflected in the *Journal of the Grand Council of South Carolina*, August 25, 1671–June 24, 1680 (edited by A. S. Salley, Jr.), pp. 8–9, 14, 22, 45.

priated, stone was quarried, lime kilns were opened, and an engineer and artisans brought from Havana. Indians were levied from Guale, Timucua, and Apalache to work on the fortification.[1] Sleepy old San Agustín was stirred to new life. Delays occurred, but when Quiroga came (1687) as governor he found "completed in the main" the great castle which still stands at San Agustín, a monument to Spain's determination.[2]

For a decade the English cloud hovered over Santa Catalina, guardian of the Guale

[1] Defensive measures in Guale and San Agustín are treated in two letters of Governor Ponce de León to the queen, July 8, 1673 (A. G. I., 58–1–26); an undated summary of defensive efforts, *ca.* 1675, in Brooks, *The Unwritten History of Old St. Augustine*, pp. 130–135; Zendoya to the king, December 15, 1672 (*Ibid.*, 115–117); Carta del Comisario general de indias sobre los religiosos que asisten en la provincia de Santa Helena de la Florida, May 2, 1673 (A. G. I., 54–5–20); Salazar to the king, June 15, 1675 (Brooks, *op. cit.*, 125–129); Salazar to the king, August 23, 1675 (Brooks, *op. cit.*, 121–123); to the sovereign, November 23, 1675 (Brooks, *op. cit.*, 123–125); Quiroga to the king, December 20, 1687 (A. G. I., 2–4–1/19, no. 17).

[2] Defensive measures at Apalache during the same period are discussed in Salazar to the queen, June 15, 1675 (A. G. I., 54–5–11); Salazar to the king, September 6, 1677 (A. G. I., 58–1–26); same to same, November 10, 1678 (A. G. I., 54–5–11); Salazar to the king, March 6, 1680, enclosing plans for the fort at San Marcos; Instructions by Salazar to Henrique Primo de Rivera for building a redoubt at San Marcos, December 3, 1678; Cabrera to the king, October 7, 1682 (A. G. I., 58–1–26).

border. England and Spain were nominally at peace, but this did not prevent Carolinian trade and intrigue with the Indians. Old Barbadians in Carolina proceeded as if they were still "beyond the line." The Guale missions were a menace, and their neophytes would make good slaves on Carolina plantations. Savage allies were eager to join in the work of destruction.

Early in 1680 the storm broke across the Savannah. Three hundred Indians headed by Englishmen attacked Mission Santa Catalina. Led by Captain Fuentes, commander of the guard, the inhabitants rallied to the defense. Taking refuge in the monastery, for nearly a whole day they withstood a siege. Governor Salazar despatched a relief vessel with fifty-eight men, but when they reached Santa Catalina the enemy had retired.[1]

The frightened neophytes forthwith deserted the mission. Some hurried south to

[1] For the attack on Santa Catalina, see Salazar to the king, March 6, 1680, enclosing the declarations of five runaway Englishmen (A. G. I., 58–1–26); same to same, May 14, 1680 (A. G. I., 58–1–26); printed in Serrano y Sanz, *Documentos Históricos de la Florida y la Louisiana* (Madrid, 1912), pp. 216–219. Badly translated in Brooks, *The Unwritten History of Old St. Augustine*, 137–139; Juan Marqués Cabrera to the king, December 8, 1680 (A. G. I., 54–5–11).

Zápala. Others fled west and took refuge on the Chattahoochee border. With the Indians, or close behind them, Fuentes and his soldiers withdrew to Zápala.[1] Governor Cabrera sent more soldiers thither, with orders to construct a *casa fuerte*. It is apparently the remains of this fort that are plainly visible on Zápala Island to-day and are known as "The Old Sugar House." To hold Santa Catalina, the King ordered families sent from the Canary Islands; but through various mishaps they failed to arrive. Cabrera was instructed to observe the treaty of 1670, which had yielded Charleston to England; but to repel and even pursue all intruders beyond the line. But this stern command did not prevent Lord Cardross from establishing a Scotch colony at Port Royal (1683).[2]

[1] For the retreat to Zápala, see Captain Fuentes to the governor, Zápala, February 7, 1681; same to same, May 4, 1681; Cabrera to the Father Provincial, May 10, 1681; Cabrera to the king, June 14, 1681 (A. G. I., 54–5–11); The Proprietors of Carolina to the governor and council, *Calendar of State Papers, Colonial, America and West Indies*, March 7, 1681, No. 37; the king of Spain to Cabrera and to the president of the Canaries, November 10, 1681 (A. G. I., 61–6–20). Pirate attacks are briefly summarized in the Memorial by Echagaray, pp. 4-5 (A. G. I., 61–6–20).

[2] For the establishment of Lord Cardross's colony, see McCrady, *South Carolina Under the Proprietary Government*, 195–196.

The reoccupation of Santa Catalina, or even the strengthening of Zápala, was put out of question by the tightening of the hold of Carolina traders on the Guale Indians, and by savage attacks of English and French freebooters all along the coast. English trade in Indian slaves grew at an appalling rate. The Carolinians purchased captives and thus encouraged the tribes to make war on their southern neighbors. In this way the Yamassees were won over and turned against the Timucua mission Indians. The heathen Yamassees moved in a body to Santa Elena, and the disaffection spread to their Christianized relatives in the Guale missions.

Simultaneously a staggering blow was given the missions by pirate raids.[1] In 1683

[1] For the pirate raid of 1683 the manuscript materials are voluminous. See especially: Razon de lo sucedido, May 20, 1683 (A. G. I., 54-5-11); Royal cédula to governor of Florida, February 26, 1684 (A. G. I., 61-6-20); Córdova to the king, May 20, 1685 (A. G. I., 58-2-6). For plans to remove the Guale Indians southward, see Cabrera to the king, June 28, 1683; Consulta del consejo, February 10, 1684; Royal cédula to Cabrera, March 28, 1684 (A. G. I., 58-1-26); Cabrera to the king, August 26, 1684, with autos, decrees, and report of the juntas of August 21-22 (A. G. I., 54-5-11, No. 118). The raid of September-October, 1684, is set forth at length in a petition by Pérez de la Mota with accompanying proceedings in the Ranson case (A. G. I., 58-2-6). See also McCrady, *South Carolina Under the Proprietary Government*, 204-206.

the notorious "Abraham" (Agramont) plundered the missions of southern Guale, despoiled them of provisions, carried off church bells and ornaments, and killed neophytes. The survivors fled to the forests. When the scare was over the southern Guale missions were nearly ruined. Next year a Carolina vessel entered the harbor at Gualquini mission and created a new terror. During another raid by the pirate Hinckley (October, 1684) the soldiers and Indians fled from Zápala to the mainland.

Cabrera now endeavored to remove the remaining Guale missions southward to the Islands of Santa María and San Juan. But councils were divided. The missionaries, zealous and unafraid, opposed the removal. Some of the Indians sided with the padres and others with the officials.[1] In the turmoil many of the neophytes of Zápala, San Simón,

[1] For the relations of the Carolinians with the Westoes and Yamassees, see *Calendar of State Papers, Colonial, America and West Indies*, September 30, 1683, No. 1284; November 6, 1683, No. 1364; June 3, 1684, No. 1722; February 21, 1685, No. 28. See also No. 83; West to Cabrera, July 8, 1685 (A. G. I., 58–1–26, Doc. 82); Crane, "The Southern Frontier in Queen Anne's War" (*American Historical Review*, XXIV, April, 1919). For a statement of the reason for the Yamassees' flight to Carolina see Fray Joseph Ramón Escudero to Marqués de Montealeón, London, October 20, 1734 (MS.).

Tupique and Asao fled with the heathen Yamassees to the Scotch colony at Santa Elena. Led by Chief Altamaha, and encouraged and outfitted by Lord Cardross, the Yamassees now made a raid clear across Guale to the Timucua missions west of San Agustín (February, 1685). At Santa Catalina de Afuica early one morning they sacked the mission, killed some of the inhabitants, and carried off others to be sold as slaves. When they returned, the raiders were met at the Savannah by Lord Cardross and his men, eager to buy their plunder.[1]

These and other disturbances helped Cabrera to carry out his plan for removing the

[1] For the Yamassee raid on Timucua, see Juan Marqués Cabrera a Su Magestad, April 15, 1685 (A. G. I., 58–2–6, Doc. No. 2); Autos S^e la entrada do los Enemigos Ynglesses En las prou.^as de Timucua, Apalachicoli, y Caueta. Y obstilidades q. Yntentan Hazer. Año 1685 y 1686. This contains Carta del then.^te de la prou.^a de timucua, March 16, 1685, and autos giving testimony of witnesses (A. G. I., 58–1–26, Doc. No. 82) Copia testimoniada. Los Oficiales Reales a Su Magestad, September 30, 1686 (A. G. I., 54–5–19, Doc. No. 65); *Calendar of State Papers, Colonial, America and West Indies*, February 21, 1685, no. 28; No. 83; Arredondo, *Demostración*, Ch. 5; Shea, *The Catholic Church in the United States*, I, 178; Barcía, *Ensayo Cronológico*, 287; one writer confused this Timucuan mission of Santa Catalina with the one in northern Georgia then abandoned. Colleton to Quiroga, undated letter (A. G. I., 58–1–26).

Guale missions. In the summer of 1686 the pirate Agramont again appeared on the coast and spread new terror. At the same time a rumor was afloat that the English were coming to destroy what was left of Guale. Glad of protection now, most of the remaining neophytes consented to move south to Santa María, San Juan, and Santa Cruz islands, which correspond to-day to Amelia Island, Talbot Island and the coast land to the southward. Simultaneously the military head of the province was moved from Zápala to Santa María. With the removal of the missions the name Guale was extended southward to include the new district.[1]

Old Guale was ruined. But not without a counter blow by Cabrera. He was between pirates and Carolinians—who were not entirely distinct. With three vessels he sent Thomás de León against Carolina (1686). There were a hundred Spaniards in the party and an auxiliary force of Indians. In Sep-

[1] For the withdrawal to Santa María see Swanton, J. R., *Early History of the Creek Indians*, 92, citing a royal letter of September 9, 1688, in the Brooks MSS.; Carta de Aviso, by Andrés Hernández to Cabrera, August 1, 1686 (A. G. I., 61–6–20. Delgado expediente, p. 97); royal officials to crown, October 4, 1686 (A. G. I., 54–5–15. Doc. 33); Arredondo, Ch. 5; Barcía, *Ensayo Cronológico*, p. 284.

tember they assaulted and completely destroyed the hated Scotch Colony at Port Royal, which had caused so much damage.[1] Some of the settlers they killed; others they captured and plundered. The rest found refuge by flight to Charleston. Among the slain was the Indian chief from whom our old friend Woodward had received his grant of Santa Elena. Continuing north, at Edisto Island, De León sacked Governor Morton's plantation, burned seven houses, and carried off thirteen slaves, besides other plunder amounting to 3,000 pounds sterling. Charleston came next; but once more nature intervened to save it from the Spaniards. In a hurricane De León's vessel, the *Rosario*, was cast ashore, and he with others perished. A

[1] For the attack on Port Royal, see Andrés de Muñibe to the king, Havana, February 12, 1687, transmitting declarations of Pedro Hortelano, Joseph Juan, and others (Delgado expediente, A. G. I., 61–6–20, p. 1). Cabrera to the king, October 6, 1687 (A. G. I., 58–1–26, no. 113). The account contained in these documents is confirmed in all its essential details, including the hurricane and the stranding of the vessels, in the "Introduction to the Report on General Oglethorpe's Expedition," in Carroll, *Hist. Coll.*, II, 350. See also McCrady, *South Carolina under the Proprietary Government*, 216–217; Rivers, William J., *A Sketch of the History of South Carolina to the Close of the Proprietary Government by the Revolution of 1719* (Charleston, 1856), 143, 144; Appendix, 425–443; Carroll, *Hist. Collections*, I, 83.

second vessel was beached by the storm and then burned. In it perished a captive brother-in-law of the governor. With the third vessel the expedition limped back to San Agustín. Cabrera was even with Lord Cardross.

The destruction of Port Royal came in the midst of squabbling at Charleston. Half angry, half frightened, the colonists rose up in arms. They appealed to the Proprietors; they complained of "unpreparedness." In a Parliament it was decided to strike a counter blow. Two French buccaneering vessels were fitted out and manned with two hundred good pirates and three hundred Carolinians. But the expedition did not sail.[1] England and Spain were nominally at peace, and the new governor, James Colleton, promised a noosed rope for anyone who might persist in the

[1] For the failure of plans for a counter blow, see Governor Richard Cony to the Earl of Sunderland, December 2, 1686, *Calendar of State Papers, Colonial, America and West Indies*, No. 1029. The Proprietors to Colleton, March 3, 1687, *ibid.*, No. 1161; same to same, October 10, 1687, *ibid.*, No. 1457; McCrady, *South Carolina under the Proprietary Government*, 218–229. Rivers, *A Sketch of the History of South Carolina*, Appendix, 425, 443, 444. Barcía, *Ensayo Cronológico*, 286; Carroll, *Hist. Coll.*, II, 350. For the activities of some of the buccaneers between 1680 and 1690 see Jameson, J. F., *Privateering and Piracy in the Colonial Period: Illustrative Documents* (N. Y., 1923), 84-147.

enterprise. The Proprietors in England approved Colleton's stand. The Carolinians themselves were to blame, they said. Charleston had harbored pirates; the Scots had abetted the Yamassees. The Carolinians could only smother their wrath and await a better day.

CHAPTER IV

THE CONTEST FOR WESTERN GEORGIA
(1680–1725)

The Spaniards had been driven from old Guale. Meantime a similar contest in the hinterland had begun. From Charleston the English traders led the onslaught. From Apalache (Talahassee) the Spanish missionaries and soldiers went forth to stem the tide.

To the westward the Georgia tribes beckoned the Englishmen across the Savannah to a life of adventure and freedom, and to profitable trade in skins and slaves. The trails through their villages led to fabled mines of silver and gold, and to the shores of the great Spanish Lake (the Gulf of Mexico), on which more than one English buccaneer had already sailed. Relentlessly the Carolinians advanced. In vain the Spaniards tried to hold them back. The game was played by diplomacy, trade, and war. The chief pawn in the sport was the Red Man between.

Each year the Carolinians visited tribes more and more remote. Charleston was not a year old when Dr. Henry Woodward visited Cufitachiqui. Four years later he crossed the Savannah to the Westoes.[1]

The Spaniards were on the *qui vive*. In the very year when Woodward crossed the middle Savannah (1674) the Apalachicolas (Lower Creeks, the English called them) opportunely asked for missionaries. There may have been some connection between the two events. These tribes lived on the middle Chattahoochee below the falls. They had made more than one such petition in vain, but now their voice was heard. The English danger served as a magna vox. So to the Apalachicola Confederacy Fray Juan Ocón and two newcomers were sent in 1679 to set

[1] For the early explorations of the Virginians in the West, see Alvord and Bidgood, *The First Explorations of the Trans-Allegheny Region by the Virginians, 1650–1674* (Cleveland, 1912). For Woodward's journey to Cufitachiqui in 1670, see *Shaftesbury Papers*, 183, 201, 265, 216–217; for his expedition to Virginia in 1671, see *ibid.*, 210, 220, 300–307, 337–338, 345, 349; his visit to the Westoes in 1674 is treated *ibid.*, 441, 443, 445, 446, 456–462. See also *Calendar of State Papers, Colonial, America and West Indies*, April 10, 1677, nos. 176, 177, 180; McCrady, *South Carolina under the Proprietary Government*, 177. For early Carolina Indian trade, see Crane, V. W., *American Historical Review*, XXIV, 379–380.

up the Cross at Sábacola, a village on the Chattahoochee a few leagues below the falls. Their hopes were destined to a shock. The Gran Cacique, or Emperor, of the Cavetas (Cowetas), head tribe of the Confederacy, had not been consulted. Three days after the friars arrived this potentate descended the river and ordered them out. Heavy-hearted, Father Ocón and his companions withdrew to Apalache.

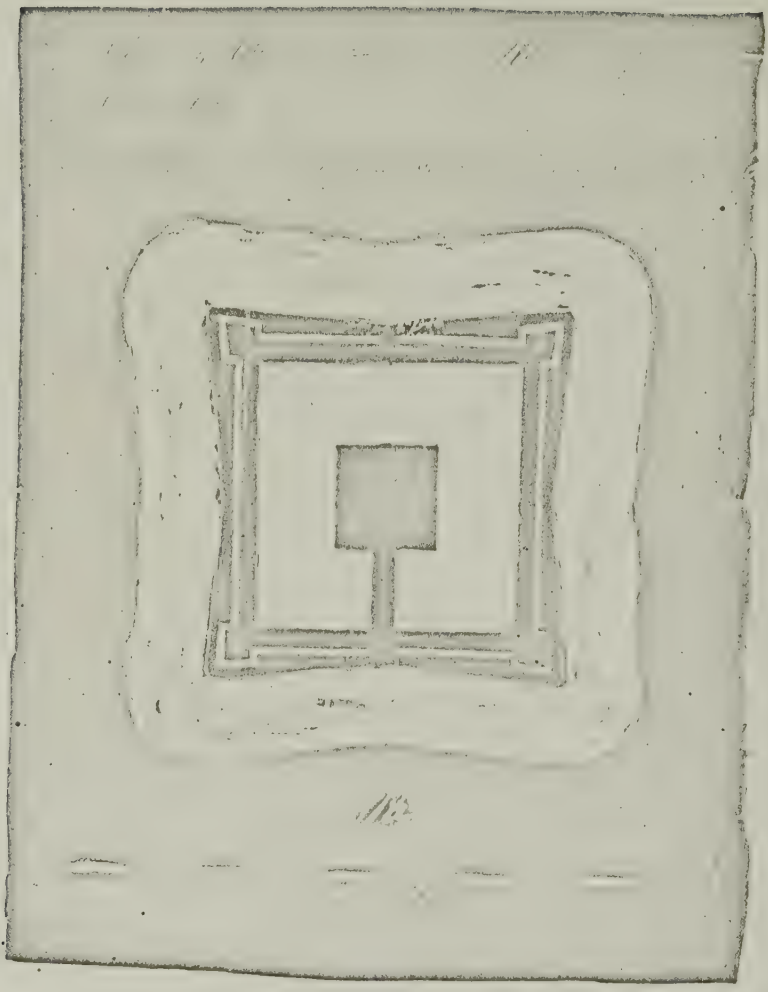
Hard-fisted Cabrera now became governor. The trouble, he concluded, was that the friars had gone to Sábacola without soldiers. So in March, 1681, two wide-brimmed Franciscans, accompanied by seven uniformed infantrymen, rowed up the Chattahoochee once more to Sábacola. In May Father Gutiérrez wrote glowing accounts of success.[1] He had hopes of baptizing even the Gran Cacique himself. But his dream soon faded.

[1] For early relations with the Apalachicolas and the founding of the Sábacola mission, see Castro to the King of Spain, August 22, 1639; Aranguíz to the King of Spain, September 8, 1662 (A. G. I., 54–5–10); Hita Salazar to the king, November 23, 1675; Hita Salazar to the king, March 8, 1680; Cabrera to the king, December 8, 1680; Carta de Fray Pedro Gutiérrez, May 19, 1681; Cabrera to the king, two letters, June 14, 1681; Carta de Fray Miguel Abengojar, July 3, 1681 (A. G. I., 54–5–11); same to same, October 7, 1682 (*ibid.*, Doc. no. 95).

Within a few months the Indians became hostile, and soldiers and friars withdrew. English influence was suspected by the Spaniards. Cabrera threatened and a compromise resulted. The Christianized portion of the Sábacolas moved down the river to the junction of the Chattahoochee and the Pedernales (Flint). There they were established in the mission of Santa Cruz de Sábacola, near the recently formed mission of the Chatots.

The English tide rolled on. Carolinians fell out with the Westoes and by 1682 the tribe had been practically exterminated.[1] The way was open now for the English traders to the Apalachicolas. Woodward again led the van. With half a dozen hardy followers, in the summer of 1685 he was on the Chattahoochee, where he introduced himself to the Gran Cacique at Caveta. His presence there brought on another border clash with the Spaniards. The documents incident to it

[1] For troubles of the Carolinians with the Westoes, see *Calendar of State Papers, Colonial, America and West Indies*, May 17, 1680, No. 1357; February 21, 1681, Nos. 26 and 27; March 7, 1681, No. 37; March 9, 1681, No. 39. For Woodward's commission, see *ibid.*, May 10, 1682, No. 499; for his pardon, *ibid.*, May 23, 1682, No. 518. See also Crane, V. W., *American Anthropologist*, N. S. XX, 331; Swanton, *Early History of the Creek Indians*, 307.



Plan of the Apalachicola Fort, 1689. From the original in the Spanish Archives.

bring the Apalachicolas at that period out of hazy conjecture into the clear light of history. The Anglo-Spanish contest for western Georgia thus begun lasted till 1763.

News of Woodward's doings caused a stir at Apalache. Antonio Matheos, commander there, now assumed the character of defender of the Chattahoochee border. Governor Cabrera sent soldiers to reinforce the Apalache garrison. Without awaiting them Matheos hurried west and north with a force of Spaniards and two hundred and fifty mission Indians. His primary aim was to capture Woodward and his men and to punish the vassals of Spain who had admitted these foreigners. On his way up the Chattahoochee to the falls, where Columbus now stands, he passed through eight or more of the villages which later were known to the English as the Lower Creeks. Their location was very much the same as that which they occupied a century later.

Indians and Englishmen fled. Of all the chiefs Old Pentocolo, of the village of Apalachicola, alone dared risk his neck. Before he went in hiding Woodward penned a defiant note to Matheos declaring that next time he

would be strong enough to stand his ground. "I am very sorry that I came with so small a following that I cannot await your arrival. Be informed that I came to get acquainted with the country, its mountains, the seacoast, and Apalache. I trust in God that I shall meet you gentlemen later when I have a larger following. September 2, 1685. *Vale.*" Near the falls Matheos destroyed a half-finished stockade built by the Indians under the direction of the Englishmen. Leaving spies in the country, he then returned to San Luís, after nearly a month's futile chase.[1]

Woodward no doubt smiled as Matheos withdrew. Scarcely had the Spaniards turned their backs when the Englishmen emerged from their hiding places and began to operate once more in the Apalachicola towns. The news was carried to Matheos by the spies. So back he posted late in December with a larger force than before. Cabrera's wrath was now stirred, and he ordered Matheos, in case the Indians refused to deliver the Englishmen, to burn their towns.

[1] The first expedition of Matheos is set forth in Woodward's defiant note to Matheos, September 2, 1685 (A. G. I., 58–4–23); Matheos to Governor Cabrera, Casista, September 21, 1685; Domingo de Leturiondo to Cabrera, San Luís, November 5, 1685 (A. G. I., 58–1–26, Doc. 82).

This time Matheos went overland to Sábacola el Grande. Crossing the Chattahoochee there, he went by roundabout trails in an endeavor to make a surprise attack on the Englishmen. Near Caveta he confiscated from a blockhouse five hundred deerskins and other merchandise belonging to the invaders. But his efforts to capture Woodward and his men were in vain. Once more they and the natives had taken to the woods.

Aided by Chief Pentocolo Matheos now summoned the absconding headmen to Caveta. Eight villages reluctantly responded, but the chiefs of the four northern towns stubbornly refused to appear. The eight towns which submitted were pardoned. The others—Caveta, Casista, Tasquique, and Colone—were burned to ashes. While the embers were still smoking Matheos returned homeward. Thirty disabled men he sent down the Chattahoochee in canoes. With the rest he went to San Luís by land.[1]

[1] For Matheos's second expedition to Caveta, see Matheos to Cabrera, Caveta, January 12, 1686; San Luís, February 8, 1686; San Luís, March 14, 1686; Cabrera to the viceroy, March 19, 1686 (A. G. I., 58–4–23); Cabrera to the viceroy, March 19, 1686 (A. G. I., 58–1–26, Doc. 102).

The destroyed towns repented, and five weeks after Matheos returned Pentocolo was sent to ask mercy for them. But Matheos suspected crocodile tears. His suspicions were well founded, for as soon as the Spaniards left Caveta the Englishmen once more emerged from their hiding places and continued to trade. Some of them soon returned to Charleston, leaving Woodward ill at Casista. Late in summer he too departed, carried on a stretcher by the Indians, and followed by one hundred and fifty Apalachicola braves laden with peltry.[1] On their way home four of his men were killed and plundered by Guale Indians, allies of the Spaniards. The English traders to Apalachicola were not yet safe from a flank attack.

Woodward never returned to the Apalachicolas, it seems, but he had shown the way,

[1] For the repentance of the Apalachicolas, the return of the English to the Apalachicolas, and of Woodward and his men to Charleston, see Cabrera to the king, March 22, 1686; same to same, May 29, 1686 (A. G. I., 58–1–26, docs. 104, 106); Matheos to Cabrera, San Luís, May 19, 1686; same to same, May 21, 1686; Cabrera to viceroy, June 2, 1686; the viceroy to the king, July 19, 1686; junta de guerra, Mexico, July 20, 1686 (all in A. G. I., 58–4–23); Cabrera to the viceroy, July 22, 1686; Matheos to Cabrera, August 21, 1686 (both in A. G. I., 61–6–20); Cabrera to the king, November 8, 1686, with enclosures (A. G. I., 54–5–12, doc. 39).

and next season other Carolinians went to the Chattahoochee. Cabrera sent a third expedition to capture them. When Quiroga became governor (1687) the Apalachicolas complained bitterly of the burning of their towns. Quiroga consoled them and they renewed their allegiance. But this did not keep the English out. They kept coming each season and Quiroga in turn was forced to send two expeditions to capture them. Five such campaigns had thus been made against these Carolina traders in less than five years. But they were all in vain. The Anglomen were fully protected by the natives, for they had good merchandise at low prices.

There was only one thing to be done, said Quiroga. A garrison must be established on the Chattahoochee. To build the fort, late in 1689 he sent Captain Primo de Rivera. It was placed at the village of Apalachicola, south of Caveta. At the end of two months it was completed, with stockade, parapet, ditch and four bastions. To guard it Fabián de Angulo was left with twenty soldiers and twenty Apalache Indians. In an assembly at Caveta, in the following May, the chiefs promised Angulo to join hands with the

Spaniards to keep the English out. They now had "but one word and one heart," both Spanish.[1]

The Spanish policy seemed for a moment to have succeeded. In reality it had miscarried. The burning of the towns and the establishment of the fort in their midst were designed to keep the Indians loyal and the English out. Neither result followed. Instead the Indians were alienated. Most of them now abandoned their homes on the Chattahoochee and moved eastward to join the Uchis on the Ocmulgee. Thither the English promptly followed them. The Ocmulgee now became known to the English as Ocheese (Uchis) Creek, and the Indians as the Creeks. In Spanish circles, in a similar way, the Apalachicolas gradually became known as Uchis.

[1] For Spanish relations with the Apalachicolas during 1687–1690 and the building of the fort, see Quiroga to the king, April 1, 1688 (A. G. I., 54–5–12, doc. 61, published in Serrano y Sanz, *Documentos Históricos de la Florïda y la Luisiana*, 219–221); Quiroga to the king, April 15, 1688; same to same, September 29, 1689; same to same, June 8, 1690, with accompanying documents relative to the building of the fort (with drawing), on the Chattahoochee (A. G. I., 54–5–12); same to same, August 21, 1690 (A. G. I., 54–5–13, Doc. 13, A.B.C.).

It is the records of a dispute which reveal this new information concerning the migration of the Creeks.[1] Quiroga asked the provincial for missionaries for the new outpost on the Chattahoochee. An argument ensued. Father Luna maintained that the Indians, afraid of the garrison, had fled east, "to find favor with the English." Quiroga denied the charge. He was able to prove that some of the Apalachicolas were still on the Chattahoochee; but it is equally clear by his own admission that some of them had moved east

[1] Both Swanton and Crane were unable to determine the location of the Lower Creeks before 1690. Both have left the question a matter of speculation. Swanton writes: "South Carolina documents place this tribe [the Kasihta] on Ocheese Creek in 1702, Ocheese Creek being an old name for the upper part of the Ocmulgee, and it seems probable from an examination of the Spanish documents that they were settled there as early as 1680–1685." Commenting on Matheos's report of May 19, 1686, Swanton infers that the four towns burned by Matheos were probably on the Ocmulgee. Of course his conclusion is incorrect (Swanton, J. R., *Early History of the Creek Indians*, 220–221 (Washington, 1922). In another connection Swanton says that in 1681 the Coweta were living in the neighborhood of Butts County, Georgia. *Ibid.*, 307; Crane, V. W. ("The Southern Frontier During Queen Anne's War," *Am. Hist. Rev.*, XXIV, 381), implies that the Kawita and Kasihta (which he makes synonymous with Oconee and Ocheese) were on the Oconee in 1684. For the naming of the Lower Creeks see Crane, *Mississippi Valley Historical Review*, V, 339. For the identity of the Westo, see Crane, *American Anthropologist*, N. S., XX, 331.

to the Uchis. Thus is solved the mystery of the appearance of the Lower Creeks on the Ocmulgee.

The Apalachicola presidio was short-lived. In the summer of 1691 corsairs again threatened San Agustín. Soldiers were sorely needed and the garrison was withdrawn. In order that the English on the "Rio de Uchise" might not occupy it, the fort was destroyed and even the ditches filled in.[1]

The defection of the Apalachicolas from Spanish allegiance did not end with the desertion of their home lands. It turned into active war on the missions of Apalache and Timucua, and on the Indians there who had taken part in the burning of their towns. Englishmen lived among the Apalachicolas, stirred them up, and even led them in their assaults. Torres, the new governor, launched another campaign (1694), in which fifty captives were taken.[2] A lively dispute now

[1] For the call for missionaries, the abandonment of the fort, and the eastward migration of the Apalachicolas, see Quiroga to the king, April 10, 1692 (A. G. I., 54–5–13, Doc. No. 32); same to same, April 18, 1792 (*ibid.*, Doc. 36); same to same April 30, 1692 (*ibid.*, Doc. 42).

[2] Swanton (p. 221), citing Serrano y Sanz, gives the date of Torres's expedition as 1695, but the documents show that it was in 1694.

followed over boundaries. Governors Smith and Blake claimed the Apalachicola country for Carolina. Torres branded the claims as preposterous. Archdale was conciliatory, but he warned the Spaniards to keep out of Apalachicola.[1]

While Spaniards fought and protested, the Carolina Indian trade grew apace. Englishmen soon passed beyond the Chattahoochee to the Alabamas and Chickasaws.[2] The rapidity of their advance was an index of the growing demand for Indian slaves. The climax of greed was reached while Moore was

[1] For Apalachicola relations and boundary disputes, 1694–1700, see Torres to Governor Smith, August 5, 1694 (A. G. I., 58–1–26, No. 132). Torres to the king, March 11, 1695 (A. G. I., 58–1–26, Doc. 130, in Serrano y Sanz, *Documentos Históricos*, 224–227); Torres to the king, July 8, 1695, with related documents concerning boundaries (A. G. I., 58–1–26, No. 132); Torres to Governor Archdale, January 24, 1695 (Archdale Papers, Library of Congress); Archdale to the Governor of Florida, January 24, 1696; same to same, April 4, 1696 (Archdale Papers, Library of Congress); Torres to the king, February 7, 1697 (A. G. I., 58–1–26, Doc. 131).

[2] For the Carolina Indian trade in the last decade of the century, see Crane, *American Historical Review*, XXIV, 379–382. See also Carroll, *Hist. Coll.*, II, 88–89, 107–108, 118–121; *Journal of the Council of South Carolina*, December 12, 1699; E. Randolph to the Lords of Trade, in Rivers, *A Sketch of the History of South Carolina*, 443. A Carolina view of Moore's trading activities is given in a "Representation and Address," printed in Rivers, *ibid.*, 455–456.

governor (1700–1702). A new impetus was given to the traffic by the settlement of the French at Biloxi. Excitable Carolinians feared a French attack on Charleston. Some of them talked of fleeing to England; but the more manly favored a counter blow and a more aggressive trade policy.

The Carolinians now found two rivals blocking the way to the Alabamas. The first obstacles to be removed were the Spaniards and Indians of Apalache. On them the Apalachicola-English raids continued. In May, 1702, the Timucua mission of Santa Fé was destroyed. To retaliate, Governor Zuñiga sent Captain Uriza with a force of Spaniards and eight hundred Indians against the Apalachicolas and their English abettors. At that very moment Englishmen, headed by a "Captain Antonio," were holding war councils in Caveta. A double blow was to be struck at the Spaniards. While a fleet captured San Agustín, traders and the Apalachicolas were to destroy Apalache. In preparation for the fray a fort was built at Caveta. On the same day that Uriza left Bacuqua, Captain Antonio led several hundred braves forth from Achito. They met near the Pedernales (Flint). By a

trick the Spanish force was defeated. The battle ground was strewn with dead and dying Apalaches; others were captured; the rest fled in dismay, leaving baggage behind. The Spanish soldiery showed nearly equal speed. All Florida was now terrorized. The Apalache settlements were ordered consolidated close to San Luís; San Agustín was put under arms; and Governor Zuñiga sent calls for help to Spain and Mexico.[1]

Zuñiga's fears were justified, for Queen Anne's War was now proclaimed in America. Governor Moore in person led the expedition planned against San Agustín. As he went down the coast he spread devastation. The

[1] For Uriza's campaign, see Iberville to Francisco Martínez, January 3, 1702, Margry, *Découvertes et Etablissements des Français dans l'Amerique Septentrionale* (Paris, 1875–1886), IV, 579; Shea, J. G., *The Catholic Church in the United States*, I, 459; Zuñiga to the king, September 30, 1702 (A. G. I., 58–1–27, Doc. 58); Manuel Solano to the king, October 22, 1702 (Demanda Puesta, A. G. I., 58–2–18); Francisco Romo de Uriza to Zuñiga, October 22, 1702 (*ibid.*); autos and report regarding defence at San Agustín, October 27, and November 1 (*ibid.*). The campaign was approved in Royal Council, August 23, 1703, nearly a year after Uriza's defeat (*ibid.*); Mitchell's Map of 1755 (Swanton, *Early History of the Creek Indians*, plates 3 and 6). See also Crane, *Am. Hist. Rev.*, XXIV, 385; McCrady, *South Carolina under the Proprietary Government*, 379–380; Rivers, *A Sketch of the History of South Carolina*, 199–200; Carroll, *Hist. Coll.*, II, 351; Swanton, *Early History of the Creek Indians*, 120–121.

three transplanted Guale missions were committed to the flames and three friars were captured. Thus it was that the Spanish frontier fell back another step, from the Santa María to the San Juan. The Carolinians took the city of San Agustín, but after a siege lasting nearly a month they failed to capture the sturdy stone fortress outside the gates.[1]

Moore, no longer governor, was given a chance to retrieve his lost reputation by a new campaign against Apalache—that Apalache which stood in the road to Pensacola and Mobile. In December, 1703, he set forth from Charleston. When he left the Ocmulgee he had in his train fifty Englishmen and a thousand Indian allies. The Apalache missions had served the red men three-quarters of a century; now they were doomed. The first blow was struck at the fortified town of Ayubale. Father Miranda directed the defence. The fight lasted nearly all day, and

[1] For Moore's expedition against San Agustín, see Rivers, *A Sketch of the History of South Carolina* (Charleston, 1856), pp. 197–204, 453–456; Crane, *Am. Hist. Rev.*, vol. XXIV, p. 386; McCrady, *South Carolina, 1670–1719*, 378, 391; Carroll, *Hist. Coll.*, II, 351–352; Shea, J. G., *Catholic Church in the United States*, 459–460; Fairbanks, *History of Florida* (Philadelphia, 1871), 174; Barcía, *Ensayo Cronológico*, 320.

the Spaniards yielded only when their ammunition gave out. Several Englishmen fell; twenty-five defenders were slain and over one hundred and fifty captured. Of his exploit Moore wrote, "I never see or hear of a stouter or braver thing done." Near Ayubale Moore defeated Lieutenant Mexía and the garrison of San Luís. A number of prisoners taken were tortured; Father Parga was burned at the stake and beheaded while Mexía looked on from the stocks. Shortly afterward Mexía himself, Father Miranda, and four soldiers met a like fate. One town bought immunity with the church ornaments and ten horses loaded with provisions. Of fourteen missions this was the only one not destroyed.[1] When Moore withdrew eastward he took with him

[1] For Moore's campaign against Apalache, see Crane, *Am. Hist. Rev.*, XXIV, 386–387; Moore, "An account of what the army did under command of Col. Moore, in his expedition last winter, against the Spaniards and Spanish Indians. In a letter from the said Col. Moore to the governor of Carolina. Printed in the *Boston News*, May 1, 1704." (Carroll, *Historical Collections of South Carolina*, II, 574–576; Zuñiga to the king, March 30, 1704 (Swanton, J. R., *Early History of the Creek Indians*, 122–123); letter of Bienville to his home government (printed in Swanton, *ibid.*, 123); "Statements made in the Introduction to the Report on General Oglethorpe's Expedition to St. Augustine" (Carroll, *Hist. Coll.*, II, 352–353); Shea, *History of the Catholic Church in the United States*, I, 461–462; Rivers, *Sketch*, 207–209.

1400 mission Indians. Part of them were enslaved; the rest were established on the Savannah River, safely between Charleston and the Apalachicola allies. Moore wrote to Governor Johnson, "We have made Carolina as safe as the conquest of Apalatchia can make it."

Moore's savage attack was a mortal blow to the Apalache missions. Later the fragments were reassembled round a new presidio at San Marcos, on the Gulf coast. To the end of Queen Anne's War the English were free to live and trade among the Apalachicolas (Lower Creeks), whose towns—eleven in number in 1709—were now ranged along the Ocmulgee River.

Apalache annihilated, it was the aim of the Carolinians next to destroy Pensacola, uproot the French of Mobile, and extend trade and dominion to the Father of Waters. In this great game the western Georgia Indians still participated; but the struggle now turned on the control of the Alabama Creeks, next beyond, and of the Chickasaws and Choctaws further west. English and French traders alike donned the war paint and conducted their partisans to battle. The English won over

the Alabamas, led them against Pensacola, and against the Choctaws who protected Mobile. But the able Frenchman, Bienville, won back the Alabamas. Peace in 1714 left Pensacola and Mobile intact, and the French secure in the Alabama basin.[1]

Suddenly an event occurred which sent the Apalachicolas back to the Chattahoochee to live, and restored Spanish influence among them. It was a case of poetic justice. The Yamassees had been Carolina's chief instruments in the destruction of Spanish Guale. They now headed a widespread revolt against the English and returned to Spanish allegiance. The first blow fell in May, 1715, at the Yamassee town of Pocotaligo. By the middle of June the revolt east of the Savannah had been snuffed out, but not before two hundred Carolinians had been slain. The Yamassees

[1] For the Alabama country during Queen Anne's War, see Crane, "The Southern Frontier in Queen Anne's War" (*American Historical Review*, vol. XXIV, 379–395; Margry, *Découvertes et Établissements des Français*, IV; Rivers, *Sketch*, pp. 231–237, gives a report on western trade in 1708. The same is given in *Calendar of State Papers, Colonial, America and West Indies*, 1708–9, p. 468. For attacks on Pensacola in 1712, see Salinas Varona to the viceroy, January 16, and July 16, 1713 (A. G. I., 61–1–34, pp. 31–32. See also document *ibid.*, pp. 89–90); Barcía, *Ensayo Cronológico*, 328.

now fled to San Agustín where they were welcomed by the ringing of church bells.[1]

The disaffection spread west to the Creeks and other tribes. Here was Spain's chance and quickly she seized it. When the uprising occurred, Old Brimins, the Emperor of Caveta, called a council of the Lower Creek chiefs. They decided to make peace with the Spaniards. Englishmen among them were evicted, imprisoned, or slain. An embassy was sent to Pensacola.[2] There on July 7, forty Creek chiefs and headmen delivered Spanish captives, and enacted peace ceremonies. Seven chiefs of the Western (Upper) Creeks went to Mexico and swore allegiance to the King in the presence of the viceroy. They were lavishly entertained and they marvelled at

[1] The Yamassee-Creek war is treated by Crane, *Am. Hist. Rev.*, XXIV, 394; McCrady, *South Carolina under the Proprietary Government*, 1670–1719, 513–543; Swanton, J. R., *Early History of the Creek Indians*, 97–102, 225–226. Osgood, Herbert L., *The American Colonies in the Eighteenth Century*, II, 347–352. (New York, 1924). Contemporary narratives are "An account of Missionaries sent to South Carolina" (in Carroll, *Hist. Coll.*, II, 527–568); "Account of the Breaking Out of the Yamassee War," *Boston News*, June 13, 1715 (Carroll, *Hist. Coll.*, II, 569–572). Escudero to Marqués de Monteleón, Spanish ambassador at London, Madrid, February 17, 1716.

[2] An anonymous French account of the uprising at Caveta is given in Swanton, *op. cit.*, 225–226. The episode is made the theme of a novel in *The Yamassee*, by William Gilmore Simms.

the wonders of the metropolis of North America.[1] Meanwhile the Lower Creeks gave obedience at San Agustín and made intermittent war on Carolina.

For a decade now Spanish and English diplomats waged a battle for supremacy among the Creeks. At Caveta two factions formed in the Indian councils. Old Brimins, the Emperor, leaned toward the English; his son, the usingulo Chipacasi (Seepey Coffee), was a staunch supporter of the Spaniards. Numerous contests occurred between the Spanish and English agents who met at the Indian towns in the struggle for control. One such took place in 1717. Diego de Peña, head of an embassy from San Agustín, encountered a party of English traders at Caveta.[2] The chiefs held a heated debate.

[1] For the Creek visits to Pensacola and Mexico, see Salinas Varona to Governor Ayala, Pensacola, July 24, 1717 (Serrano y Sanz, *Documentos Históricos*, 238–240); same to same, September 9, 1717 (*ibid.*, 240–242).

[2] For the visit to San Agustín in 1717 of the Usingulo and war chief Chislacalichc, see letter of Governor Ayala quoted in Swanton, *Early History of the Creek Indians*, 125. For Peña's embassy to Caveta, see "Diario del Viaje que hizo el Teniente Diego Peña á Apalachicola," beginning at Sávacola on September 20, 1717 (Serrano y Sanz, *Documentos Históricos*, 227–237; Barcía, *Ensayo Cronológico*, 329, 356–357, 361.

The Emperor adhered to the English, his son to the Spaniards. Chipacasi's oratory and Peña's whiskey were plied in vain, and Peña was forced to leave under escort to prevent a massacre. But it was a drawn battle, for at the same time ten of the English party were expelled from Talapoosa, an Upper Creek town.

This tilt is typical of the decade. A few months after Peña withdrew from Caveta Juan Fernández and a party of soldiers escorted to their homes the Talapoosa chiefs who had been to Mexico City. At Teguale Emperor Brimins, Chipacasi, and a delegation of Lower Creek chiefs, in formal ceremony ratified what had been done in Mexico. The celebrations were interrupted by a messenger who told of the arrival of John Musgrove and thirty Englishmen at Caveta. Brimins, Fernández and Chipacasi hurried east and another factional struggle ensued. In the end the English were expelled and the Fernández party withdrew. It was another drawn battle.[1]

[1] The diplomatic mission of Juan Fernández to the Creeks in 1718 is set forth at length in Barcía, *Ensayo Cronológico*, pp. 331–340.

Spanish influence was now strengthened by a new presidio at San Marcos (1718). Scattered Apalaches were reassembled, and new missions were established there. Some of the Creeks, too, moved south to live close at hand.[1] But in time good bargains told in favor of the English. Though it was no one-sided matter, in 1725 Tobias Fitch made real progress. On an official visit for Carolina he went several times back and forth among the Upper and Lower Creeks. He organized a campaign against the hated Yamassees, who now lived under the shelter of San Agustín. The Upper Creeks were friendly and readily joined the war party, but the Lower Creeks were "unserton." At Caveta Fitch encountered and struggled with a Spanish embassy from San Marcos. Old Brimins was still friendly to the English. Chipacasi had been loyal to Spain ever since the Yamassee uprising. But now, by the aid of the Emperor, Fitch won him over and he joined the campaign against the Yamassees. It was a signal

[1] For the presidio and the new missions at San Marcos, see Barcía, *Ensayo Cronológico*, 343–346, 348; Fray Joseph Ramón Escudero to Marqués de Montealeón, London, October 20, 1734 (MS.); extract of the same quoted in Swanton, *Early History of the Creek Indians*, 102.

victory.[1] Nevertheless, the down river towns —Seminoles they became—still clung to Spain. With the rest the English were for the time in the ascendant, but for the next thirty-five years constant vigilance was the price of success.

[1] The mission of Tobias Fitch to the Creeks is recounted in Mereness, Newton D., *Travels in the American Colonies* (New York, 1916), pp. 175–212.

CHAPTER V

DIPLOMATIC CONTROVERSIES OVER FORT KING GEORGE AND OGLETHORPE'S COLONY

(1721–1738)

The Yamassee-Creek war shocked the Carolina colony into a sense of its insecurity, and there followed a movement for the defense of the southern border. Inevitably this southward advance of the English brought on new struggles with the Spaniards.

Sir Robert Montgomery's fantastic scheme for Azilia (1718) never got beyond the paper stage, but it was symbolic of the desire for a buffer colony. Soon after Azilia went up in rhetoric, Colonel John Barnwell was sent to build Fort King George at the mouth of the Altamaha (1721). It was planted close to the site of one of the old Spanish missions.

Now it was the Spaniard's turn to sound the alarm. Governor Benavides protested to Governor Nicholson. On the other side of the Atlantic a diplomatic joust was held by Newcastle and Pozobueno. England stood on the Carolina grant of 1665, which extended

to 29°. Spain's reply was obvious. England could not grant what she did not possess. Charles II's paper grant had included a line of Spanish settlements all the way from Santa Catalina to San Agustín, a stretch of one hundred and fifty miles.[1] In 1670, when the two nations adopted the principle of actual possession, England did not hold a foot of soil south of Charleston. The debate waxed warm. Then Spain proposed that the governors of Carolina and Florida be commissioned to fix the boundary in accord with the treaty of 1670. England agreed, and Spain appointed commissioners. In March, 1725, Menéndez Marqués and Joseph Primo de Rivera arrived at Charleston. Dressed in their best they presented their instructions.

[1] For Azilia, see Jones, C. C., *History of Georgia* (Boston, 1883), I, 70–75; *South Carolina Historical Society Collections* (Charleston, 1858), II, 232–233. For Fort King George on the Altamaha, see *ibid.*, Vol. I, 232, 235, 236, 237, 239, 243, 281, 285, 295, 296; Vol. II, 144, 148, 154, 155, 169, 170, 171, 179; Smith, W. R., *South Carolina as a Royal Province* (New York, 1903), 208–209; McCrady, *South Carolina under the Proprietary Government, 1670–1719*, 575, 577; Carroll, B. R., *Historical Collections of South Carolina*, I, 236, 240, 254, 257–259, 269, 278, 280, 281, 282–292. Jones, *History of Georgia*, (I, 68), erroneously locates Fort King George at the junction of the Oconee and Ocmulgee. For Benavides's plan to capture Charleston in 1719, see Barcía, *Ensayo Cronológico*, 341–343, 350–354; McCrady, *History of South Carolina Under Royal Government, 1719–1776*, 32, 35, 53–54, (New York, 1899).

Surprised enough they were to be told by President Middleton that he had no orders in the matter. For two more years the English flag waved over the Altamaha; then Fort King George was abandoned, but not because of the Spanish protest.[1]

The need of a buffer colony continued and Georgia was founded. The charter assigned to the Trustees the region between the Savannah and the Altamaha, and westward to the Pacific. What cared King George that the grant cut a wide swath through Florida, Louisiana, and Texas? Or that, incidentally, it included Albuquerque, Socorro, and other New Mexico settlements? Oglethorpe ar-

[1] Records of the negotiations between Newcastle and Pozobueno, and between Governor Benavides and the officials at Charleston (1724–1725) are given in "Testimonio de los autos y demas diligencias fechas sobre la division de los terminos de esta jurisdicción, y la de Carolina, en virtud de las dos reales zédulas que en ellos se contienen, sus fechas 10 de junio y 18 de Agosto de 1724 (A. G. I., 58–1–31. Printed in Serrano y Sanz, *Documentos Históricos de la Florida y la Luisiana*, pp. 243–260.) See also Arredondo, *Demostración*, ch. 6; Smith, *South Carolina*, 208–209; Carroll, *Historical Collections*, I, 269–271; McCrady, *History of South Carolina, 1719–1776*, 74–78; *South Carolina Historical Society Collections*, Vol. I (1857), pp. 234–239; Jones, *History of Georgia*, I, 68–69; Stevens, *History of Georgia*, I, 145; Benavides to the king, April 21, 1722, concerning Fort King George and the mission of Menéndez to protest, enclosing letter to the Governor of South Carolina, February 11, 1722 (Brooks, *op. cit.*, 168–170).

rived in 1733 and Savannah quickly arose on the site of Musgrove's trading post. Darien on the Altamaha and Frederica on St. Simons soon followed. The Altamaha was the southern limit of the Georgia grant, but Oglethorpe did not stop here. He was standard bearer for England, not alone for Georgia, and he had military ambitions. So down the coast he pushed his fortifications to the very shadow of San Agustín.[1]

A new diplomatic battle now took place. Geraldino protested in the name of Spain;[2]

[1] For the founding of Georgia, see McCrady, *History of South Carolina under the Royal Government, 1719–1776*, 113–115; Jones, *History of Georgia*, I, chs. 4–12; Stevens, *History of Georgia*, I, 57–140; McCall, Hugh, *History of Georgia* (1811, 1816; reprinted, Atlanta, 1909. The reprint is here cited); *Colonial Records of Georgia* (Atlanta, 1904 to date, cited *Ga. Col. Rec.*), vol. I. For official opinion in England on pushing the forts beyond the Altamaha, see *Diary of the First Earl of Egmont (Viscount Percival)*, *Historical Manuscripts Commission*, vol. II, 1734–1738 (London, 1923), 141, 159, 181, 183, 285–286; *South Carolina Historical Society Collections*, II, 264. For Oglethorpe's return to England in 1734, see Egmont's *Diary*, II, 112. For Tomochichi at the Court of London, *ibid.*, 113–118, 121–126. For Oglethorpe's demand for soldiers (1735), see Egmont's *Diary*, II, 141, 159, 166, 183, 187, 201–204.

[2] For the Spanish protest against the founding of Georgia, see Arredondo, *Demostración*, ch. 6. Fray Joseph Ramón Escudero's communication to Marqués de Montealeón, Spanish ambassador in London, October 20, 1734, was written while Tomochici was there. He suggests a combination of French, Spaniards, and Indians to expel the English (MS., Library of Congress).

Newcastle replied for England. The old arguments were thrashed over, and Charles Dempsey was sent to America to assist in the negotiations. Like a shuttle-cock he darted back and forth between Georgia and Florida. Oglethorpe insisted on the San Juan River as a boundary, and backed his demand with soldiers.[1] Then Güemes y Horcasitas sent Antonio de Arredondo from Havana to Frederica to demand English retreat beyond Port Royal. Florida and Georgia were on the verge of war. At last, after many parleys, Oglethorpe and Governor Sánchez signed a treaty.[2] All boundary questions were left for

[1] This demand was made plausible, to the innocent government at home, by a map showing a southern mouth of the Altamaha debouching near the St. Marys.

[2] For the Dempsey and Arredondo negotiations and the Sánchez treaty, see Jones, *History of Georgia*, I, 239–252; Stevens, *History of Georgia*, I, 145–149; Wright, Robert, *A Memoir of General James Oglethorpe* (London, 1867), chs. 8–9; *Georgia Colonial Records*, XXI, 77, 86, 104, 115, 122, 123, 144, 150, 154, 155, 160–161, 206–207, 212, 218, 224–226, 236, 271, 284, 362–363 (this contains a summary), 376; XXII, Pt. I, 219; Egmont's *Diary*, II, 282–296, 325–326, 331; Arredondo, chapter 6, par. 19; *Ga. Hist. Soc. Collections*, VII, Pt. I, no. I, p. 7 (Savannah, 1909). For reports of the Georgia-Florida coast made by Arredondo after his visit to San Simón, and for his relations with Oglethorpe in 1736, see Philip Lee Phillips, *The Lowery Collection* (Washington, 1912), 270–275. John Wesley in his journal, mentions the visit of Arredondo to San Simón (Nehemiah Curnock, *The Journal of The Rev. John Wesley, A.M.*, I, 267. London, 1909).

final settlement by the royal courts, but meanwhile Oglethorpe agreed to withdraw Fort St. George from St. Georges Island (San Juan). Oglethorpe regarded the treaty as a good bargain for England. Spain emphatically agreed with him, and Sánchez, who signed the document, was called home and hanged.[1]

Oglethorpe now returned to England to demand of the Trustees more soldiers, more funds, and more power.[2] The Trustees turned to Parliament and that body complied. Oglethorpe was made commander-in-chief of all

[1] The text of the treaty with Sánchez is in Harris, *Complete Collection of Voyages and Travels* (London, 1748), II, 331–332. Dempsey concluded two treaties. One was ratified by Sánchez, the other by the Junta de Guerra at San Agustín (*Ga. Col. Rec.*, I, 266). Concerning the fate of Sánchez it is stated "That the late Spanish Govern^{r} of Augustine who made the Treaty of Neutrality some years ago with Genl Oglethorpe, and had been therefore sent home in chains by the succeeding Govr on that account, is hang'd; and that Capt Dempsy's brother an Officer in the Spanish service is cashier'd because the Captain assisted Oglethorpe in concluding that Treaty." (*Ga. Col. Rec.*, vol. V, 351); see also Egmont's *Diary*, II, 326, 410. For the complaints against Sánchez see Brooks, *The Unwritten History of Old St. Augustine*, 156–162. Among numerous charges the treaty with Oglethorpe is not mentioned.

[2] For Oglethorpe's demands for troops and money while in England in 1737, see Stevens, *History of Georgia*, I, 150–152; Jones, *History of Georgia*, I, ch. 17; Egmont's *Diary*, II, 339, 368, 383, 401, 414–417, 427–431, 433–438, 457, 469, 494, 501; *Ga. Col. Rec.*, I, 323–324; IV, 140–151; V, 18–19.

the forces of Carolina as well as of Georgia. He was now in effect Count of the Southern March.

At this militant gesture Spain protested in still louder tones.[1] Indeed, she prepared to "reannex all that formerly belonged to the Spanish monarchy." Governor Montiano sent agents among the Creeks.[2] Four hundred soldiers were dispatched to Florida, and fresh

[1] For Geraldino's two memorials, 1736, 1737, Newcastle's reply, and the reaction of the Trustees of Georgia, see Egmont's *Diary*, II, 300–304, 426–438; Coxe, *Memoirs of Walpole*, IV, p. 9. Stevens, *History of Georgia*, I, 148–149; Wright, *Memoir*, ch. 10; Arredondo, ch. 6, par. 33 and following; Temperley, "The Causes of the War of Jenkins' Ear, 1739" (*Royal Historical Society Transactions, Third Series*, vol. III, 197–236). Montiano aided the Spanish diplomats with documents as San Agustín bearing on the "right and title of Your Majesty to the colonies illegally occupied by the English." Among other things was a map based on the knowledge of persons acquainted with the coast (*Ga. Hist. Soc. Col.*, VII, Part III, 16–18. Savannah, 1913).

[2] For Spanish war preparations in 1737 and early in 1738, see the correspondence of Montiano and Güemes, *Ga. Hist. Soc. Collections*, VII, Part I, pp. 8–20; Stevens, *History of Georgia*, I, 150–151; Clowes, *The Royal Navy, a History*, vol. III (London, 1898), p. 50; *Georgia Colonial Records*, XXII, Part I, 134–136, 217, 219, 223; Egmont, *Diary*, II, 446–447. For English war preparations at the same time, see Egmont, *Diary*, II. On February 10, 1737–8, Sir Chas. Wager (Admiral) instructed Capt. Chas. Brown at Jamaica to protect Georgia from a Spanish attack. (Ford, W. C., *Vernon-Wager Manuscripts*, 53, Washington, 1904); Arredondo, maps and reports listed in Phillips, *The Lowery Collection*, 270–275.

contingents were assembled at Havana. Seven thousand men and sixty warships were made ready there. Georgia seemed doomed, when suddenly, on March 21, Güemes received a hurried order to suspend the expedition while the two crowns deliberated over the boundary.

Walpole had stilled for the moment the fears of the Spanish court. The peaceful news was proclaimed through the streets of old San Agustín by beat of drum. But Spain's confidence had been misplaced. Oglethorpe blustered and had his way. Was Georgia to be abandoned? He got the ears of the King, and was given a regiment. Now he could hold his ground. Spain's golden moment was lost.[1]

[1] For the armed truce on the border in 1738–1739, see Stevens, *History of Georgia*, I, 150–153; Jones, *History of Georgia*, I, ch. 17. *Ga. Col. Rec.*, XXII, Part II, 68; "Relacion del Yndio Juan Ignacio de los Reyes Vecino del Pueblo de Pocatalaca." (A. G. I., 86–6–5; printed in Serrano y Sanz, 260–264); *Ga. Hist. Soc. Col.*, VII, Part I, 26–27; Brooks, *The Unwritten History of Old St. Augustine*, 175–180. The subjects treated in this chapter and the next are sketched in Chapter XIII of Robert Greenhow's rare book, *The History of Florida, Louisiana, Texas, and California, and of the adjoining countries, including the whole valley of the Mississippi, from the discovery to their incorporation with the United States of America.* Volume I. (New York, 1856.) One of the very few existing copies of this work is in the Bancroft Library.

CHAPTER VI

THE WAR OF JENKINS' EAR

(1739–1742)

The Georgia question was only one of two main bones of contention between Spain and England. Indeed, it was the smaller bone of the two. The other was a matter of trade and sea power. But both were questions of the Caribbean and its perimeter. Since the time of Hawkins, Englishmen had smuggled right and left in Spanish American waters. Then, by the Treaty of Utrecht the South Sea Company was granted legal right to a limited amount of trade in Spanish America. This privilege the company brazenly abused, and other English merchants continued to smuggle as of yore. Spain, weary of protest, established a rigorous coast guard. She freely exercised the "right of search," and captured scores of British vessels. Herein, too, abuses occurred. The blame was two-sided, of course.

The wails of the British merchants resounded throughout the realm. Parliament held a fiery debate on Spanish depredations. Robert Jenkins, one of the plaintiffs, caused a sensation. Seven years before, off Florida, a Spanish coast guard had boarded his ship, cut off one of his ears and handed it back.[1] As Exhibit No. 1 Jenkins now showed the bottled ear in Parliament. Some say that Jenkins lied. Be that as it may, his story caught the crowd and they demanded war. The excitement made Oglethorpe's muster easy, and in July he departed for Georgia. At the same time Haddock was sent with a squadron to the Mediterranean. Spain realized that she had been duped by peace talk. She protested

[1] April 30 (May 11), 1735, Geraldino directed to the Royal Asiento Company a proposal for disposing of their West Indian trade (Ford, W. C., *Vernon-Wager Manuscripts*, Washington, 1904, p. 46). For the complaints of English merchants, see *Trevor MSS.*, in *Hist. MSS. Commission Report*, XIV, App. pt. IX (London, 1895), 13–14, 24; Egmont's *Diary*, II, 440–442, 448, 474; Cobbett, *Parliamentary History of England* (London, 1812), X, 562–787; Coxe, W., *Memoirs of the Life and Administration of Sir Robert Walpole*, IV (London, 1816), p. 11. For English war steps early in 1738, see Temperley, Harold W. V., "The Causes of the War of Jenkins' Ear, 1739," in *Royal Historical Society Transactions*, Third Series, vol. III (London, 1909), 201–207, 210, 211, 213, 214; Egmont, *Diary*, II, 486, 503; Laughton, J. K., "Jenkins' Ear," in *English Historical Review*, IV (London, 1889), 743.

these new war preparations and revived her own. In America, Georgia and Florida again were likewise the scene of military activities.

But once more the tide of war was stemmed by diplomacy. War might destroy more trade than it would conquer; and Newcastle was not sure of England's claim to Georgia. In January, 1739, the Convention of El Pardo was signed.[1] Spain agreed to pay certain indemnities. All difficulties concerning "commerce and navigation in America and Europe and the limits of Florida and Carolina" were referred to a joint commission. So important was the Carolina boundary question that it was given a separate article. It provided that pending the settlement the *status quo* was to be maintained on the frontier.

The Convention of El Pardo was destined to failure. The Georgia Trustees, fearing

[1] For the negotiation of the Convention of El Pardo, see Temperley, "Causes of the War of Jenkins' Ear," *loc. cit.*, 214–225; Cobbett, *Parliamentary History of England*, X, 666, 957, 1023, 1028, *note;* Smollett, *The History of England*, III, 332–352 (London, 1811); *Trevor MSS.*, pp. 18–20, 24; Calvo, *Tratados*, Vol. II (Paris, 1862), 225–241; *Hare MSS.*, in *Hist. MSS. Commission, Report*, XIV, App. pt. IX (London, 1895), pp. 242–244. For the protest of the Georgia Trustees over the Convention, see Cobbett, *op. cit.*, X, 1056, 1179, 1184, 1204, 1257; *Trevor MSS.*, p. 26; *Ga. Col. Rec.*, V, 88, 97–98, 100–101, 104, 107, 113, 116–122, 125–137; Stevens, *History of Georgia*, I, 159–160.

that their province might be sacrificed, bombarded Walpole with demands for protection, and he promised it with a manly oath. "Sr Robert hearing this, call'd to Col. Bladen, and ask'd him whether England had a right to Georgia? yes, reply'd the Col' Can you prove it, said Sr Robert, and will you undertake it? the Col' answer'd he would. Then, said Sr Robert, By G–d the Spaniards shall not have it." Under further pressure the Trustees forced Walpole to defend England's "possessions" as well as her "rights" in America. This confession that the two were not identical was not lost on the Spanish diplomats. Egmont wrote in his Diary: "But when they saw that the Convention would pass, they obliged Sir Robert Walpole to put the word 'possession' into the address [to the Commons], which was of the greatest service for defeating the ensuing treaty with Spain, because thereby the Ministry were tied down from giving up an inch of ground to the Spaniards, which they have declared unless they are allowed to have restored to them, they will never make a treaty." [1]

[1] Egmont's *Diary*, III (1923), 33; Egmont's *Journal* (*Ga. Col. Rec.*, V), 120–131.

APALACH
COLONE
SPANISH FORT
JALIPAS
SAVAGOLA
1680-169
1715-179
CHATOTS
A P

In spite of bluster there was still talk of adjustment. Report had it that the king of Spain would sooner part with his capital than with Georgia. Geraldino denied the rumor and even suggested that his master might compromise on the Altamaha as a boundary. Seizing on the suggestion, Egmont went a step further and proposed that the region south of the Altamaha be left "desert and uninhabited." Geraldino then receded from his position. Nevertheless, Newcastle followed up the idea of a neutral ground. In his instructions to Keene of the Commission (April, 1739) he proposed that the San Juan be the legal boundary, but that the district between the San Juan and the Altamaha be left "unbuilt and uninhabited by Spaniards or English." [1]

The commissioners had not the ghost of a show.[2] While they deliberated the English

[1] *Ga. Col. Rec.*, V, 135–137, 146, 154; Egmont's *Diary*, III, 22, 35, 45, 51.

[2] For the failure of the Convention of El Pardo and the breach between England and Spain, see Temperley, *op. cit.*, 222–235; *Hare MSS.*, 247–248; John Morley, *Walpole* (London, 1909), 218; Coxe, William, *Memoirs of the Life and Administration of Sir Robert Walpole*, IV, 57–126, 383–389 (London, 1816); Goodrich, C. A., *Select British Eloquence* (New York, 1852), 77–79; Clowes, *The Royal Navy*, III, 51–52; *South Carolina Historical Society*

public cried for war. Instead of recalling Haddock from the Mediterranean, the ministry built more ships and impressed more seamen. Thereupon Spain suspended the Asiento and refused to pay the promised indemnity unless Haddock were recalled.[1] In June the break came. Sealed orders were hurried to Jamaica and the mainland colonies, authorizing privateers to "commit all sorts of hostilities against the Spaniards." The four-year struggle which followed got its ridiculous name from Jenkins' severed ear. When war was openly declared the English mobs went wild. Walpole, the pacifist, looked on in alarm. "Ah!" he exclaimed, "they are ringing the bells to-day; they will soon be wringing their hands!"

Collections, II, 270; Hart, F. R., *Admirals of the Caribbean* (Boston, 1922), *note*, 131–132. For the protest of the king of Spain in 1739 against British war preparations and France's declaration that she must stand by Spain, see Smollett, *History of England*, III, 350–352 (London, 1811); Egmont's *Diary*, III, p. 81. The causes of the War of Jenkins' Ear are discussed by Hertz, G. B., *British Imperialism in the Eighteenth Century*, ch. II ("The War Fever of 1739"), London, 1908.

[1] On April 12, 1740, the King ordered Montiano to maintain good relations with the French "during the present war," and to call on them for supplies and munitions (A. G. I., 87–6–18); on May 25, 1740, he ordered the viceroy of New Spain to give all possible aid to Florida (A. G. I., 61–2–21). For Spanish de-

While the war clouds gathered in Europe,[1] Oglethorpe prepared the back country. There the struggle of traders and diplomats had been unceasing. French and Spanish agents both did their level best to keep the Indians stirred up against the English. Oglethorpe needed a strong cordon of allies in the west. The Chickasaws were devoted to the Anglomen; the Choctaws had always been French partisans. By a triumph of diplomacy, part of the Choctaws now turned against the French and opened trade with the Georgians. The Creeks were a wavering factor, and they occupied strategic ground between the European rivals.[2] Nothing but a personal visit by Oglethorpe would hold them in line, and he decided to make the journey. Chiefs Chisla-

fensive measures, see Sister Mary Frances Read, "The Viceregal Administration of Don Pedro Cebrián y Agustín, Conde de Fuenclara, 1742–1746," ch. II. (M.A. thesis, University of California, MS.); El Conde de Montijo, Representaciones sobre asuntos a la defensa colonial, Madrid, January 2, 1740 (A. G. I., 142–1–12); Castilla de Aysa, Testimonio de las Diligencias practicadas con motivo de la guerra con los Ingleses, Guadalajara, June 3, 1740 (A. G. I., 103–5–25).

[1] For England's sending sealed orders for reprisals to America, see *Hare MSS.*, 247–248; *Ga. Col. Rec.*, IV, 407, 412, 416, 419; *S. C. Hist. Soc. Col.*, II, 270; *Acts of the Privy Council, Colonial Series* (*1720–1745*), III, 636 (Hereford, 1910).

[2] *Ga. Col. Rec.*, XXII, Part II, 68,95; Egmont's *Diary*, III, 80, 93.

caliche (Chigilly) and Malachee arranged for a meeting at Coweta. Upper and Lower Creeks, Chickasaws, and the friendly Choctaws promised to attend.

In July (1739) Oglethorpe ascended the Savannah to Euchie Town. Thence with an escort of rangers, traders, and Indians he set forth overland. On the way Indian hunters provided venison, wild honey, turkey, and buffalo meat. Horses and riders swam the streams. The packs were towed over in leather canoes carried for the purpose. Outside of Coweta, Indian boys and girls greeted the visitors with presents of fowls, venison, pumpkins, potatoes and watermelons. "King" Chislacaliche himself came forth bearing the English flag, and escorted the White Chief to the public square, where populace and dogs gave noisy welcome.[1] Oglethorpe met the chiefs in solemn council; a few days later they reassembled at Casista, across the river. At

[1] For Oglethorpe's journey to Coweta, see *Ga. Col. Rec.*, IV, 371–372; XXII, Pt. II, 166–167, 179, 208, 214–215; "A Ranger's Report of Travels with General Oglethorpe, 1739–1742," in Newton D. Mereness, *Travels in the American Colonies*, 215–222; Henry Bruce, *Life of General Oglethorpe* (New York, 1890), 207–208; Stephens, *Journal* (*Ga. Col. Rec.*, IV, 368–369); *Ga. Hist. Soc. Col.*, III (Savannah, 1873), 80, 87; Stevens, *History of Georgia*, I, 157–158; Wright, *Memoir*, ch. 12; Egmont's *Diary*, III, 121.

the end of ten days the Creeks renewed their alliance with England and declared that no Spaniard should settle north of the San Juan River and Apalache. On August 25 Oglethorpe set out for home. Eight days later he reached Augusta. There he learned that England and Spain were in a state of war. His treaty with the Creeks was well timed.

This was an American war. It was directed almost exclusively at Spain's commerce and her colonies. The main target was the Caribbean area, with Havana at the center and Puerto Bello, Cartagena and San Agustín on the perimeter. Vice-Admiral Vernon—"Old Grog," his seamen called him—was given the center of the naval stage.[1]

[1] For Vernon's operations early in the war, see Clowes, *The Royal Navy*, III, 51–52, 58, 67, 265–267. For the participation of the North American troops, see Hart, F. R., *Admirals of the Caribbean*, 139–140; Temperley, H. W. V., "The Relations of England with Spanish America, 1720–1744," *Am. Hist. Assoc. Ann. Rep., 1911*, I, 231–237; Stover, "Admiral Vernon Medals," *Mass. Hist. Soc. Proc.*, 1918–1919, vol. 52, pp. 195–196; *An Account of the Expedition to Carthagena [1740] with Explanatory Notes and Observations*. London, 1743. Printed for Mr. Cooper; *Original Papers Relating to the Expedition to Carthagena [1740]*. London, 1744. Printed for Mr. Cooper. See also Winsor, *Narrative and Critical History*, Vol. V (Boston, 1887), and the records of the various colonies. The Vernon-Wager Manuscripts in the Library of Congress are rich in materials for the War of Jenkins' Ear. (Ford, W. C., *The Vernon-Wager Manuscripts*, pp. 60–99 *passim*.)

Oglethorpe played the chief rôle on land. With a small fleet Vernon sailed to Jamaica. Thence he proceeded to the Isthmus and captured Puerto Bello. Hysterical over the victory, England encored. A medal was struck bearing the words: "Brave Vernon made us free; no search upon the seas shall be!"

Oglethorpe was instructed at first to "anoy the Spaniards." He did not need urging. Hastening to Frederica he raised a troop of mounted rangers, and sent messengers among the Indian allies to call for warriors. They promptly responded. When war was openly declared (October, 1739), Oglethorpe struck quickly.[1] Two preliminary forays and two campaigns drove the Spaniards out of forts Pupo and Picolata, and gave him control of San Juan River, to the very back door of San Agustín (January, 1740). Montiano chafed in his ancient castle there, but he could do little, for he had only 613 men, of

[1] Oglethorpe's summons to the Indians and his first movements against Florida are treated in *Ga. Col. Rec.*, IV, 424, 474, 501, 550–551, 555; *Ga. Hist. Soc. Col.*, III, 82–94, 105–108; Montiano to Güemes, January 31, 1740 (*Ga. Hist. Soc. Col.*, VII, Pt. I, 34); *S. C. Hist. Soc. Col.*, II, 270; Stephens, *Journal* (*Ga. Col. Rec.*, IV), 447, 458, 462–465, 474, 477, 483, 501; Stevens, *History of Georgia*, I, 161, 163; Mereness, *Travels*, 224–226.

whom ninety were negroes and Indians.[1] Of Güemes at Havana he begged a squadron to protect the capital. Six small galliots were sent. As it turned out they saved the city.

To Oglethorpe the San Juan was only a means to an end. Vernon had won fame by capturing Puerto Bello; his was the task to take San Agustín. Hurrying to Charleston he raised 500 men under Colonel Vanderdusen; and with Commodore Pearce he arranged for coöperation with the coast fleet. In April he welcomed a new contingent of Indian allies. In all his force consisted of about 2,000 men.[2]

Early in May Oglethorpe's army crossed the broad San Juan. Warships effectively patrolled the coast, and forts San Diego and Moosa were taken. But these small successes were followed by a series of failures. An

[1] Montiano's defensive measures down to May 14 are set forth in his correspondence with Güemes in "Letters of Montiano. Siege of St. Augustine," *Ga. Hist. Soc. Col.*, VII, Pt. I, 7–24, 32–53. On July 30, Montiano reported the failure of Oglethorpe's attack to the viceroy. He stated that the English loss was more than 150 men, that of the Spaniards only 16 (The viceroy to the King, October 15, 1740. A. G. I., 61–2–21).

[2] For Oglethorpe's appeals to South Carolina, see Oglethorpe to Bull, December 29, 1739, in Harris, *Voyages and Travels*, II, 338–340; *S. C. Hist. Soc. Col.*, II, 271; Stevens, *History of Georgia*, I, 170; Jones, *History of Georgia*, I, 327; Wright, *Memoir of James Oglethorpe*, 232–233, 238–243.

attempt to assault the city was frustrated by the six galliots in the harbor. They, if any, were the heroes in the engagement. The English garrison left at Fort Moosa was cut to pieces by Montiano. Oglethorpe's plan for an assault now gave way to a siege.[1] Batteries on Santa Anastasia Island bombarded the town, but without effect. Starvation promised to be a more deadly weapon, but Spanish supply ships eluded the besiegers and relieved the famine. The task of the English was hopeless now, and on July 20 they raised the siege. Oglethorpe had repeated Moore's failure of forty years before. In old San Agustín there was rejoicing.

This was a war of failures. Oglethorpe's retreat from San Agustín was followed by a series of reverses to "Old Grog" in the Caribbean. In the summer of 1740 he was joined by 3,500 troops from the northern mainland colonies, and a little later by 9,000 more from England. "A fleet such as heretofore had never been assembled in the waters of the

[1] For English accounts of Oglethorpe's attack on San Agustín, see Stevens, *History of Georgia*, I, 171–179; Wright, *Memoir*, 243–260; Harris, *Voyages and Travels*, II, 339–340; Jones, *History of Georgia*, I, chs. 20–21. For the Spanish version, see Montiano's correspondence with Güemes, *Ga. Hist. Soc. Col.*, vol. VII, Pt. I, 54–65.

New World was now at the disposal of the British commander."

It was hoped that Vernon would next attack Havana.[1] "All our hearts are bent on Cuba," Pulteney wrote him. "No search, take and hold," became the war cry. But just now Spain sent Torres to the West Indies with a powerful Spanish fleet. To take Havana was easier said than done. Vernon therefore turned to Cartagena. But a deadly climate and quarrels with Wentworth caused disaster there, and Vernon returned to Jamaica.[2] Then followed another failure. Vernon was ordered to take Havana, but Torres still blocked the way. Santiago was therefore selected as the victim instead. Gingerly Vernon looked it over. Concluding that it was impregnable by sea, he sent Wentworth to

[1] For English desire to conquer Cuba, see *Gentleman's Magazine* (London, 1748), XVIII, 303–304: *Trevor MSS.*, p. 59; Ford, *Vernon-Wager Manuscripts*, August 5, 1739, August 8, 1739, October 24, 1739; undated instructions to Admiral Wager, etc., pp. 63, 64, 68.

[2] For Vernon's movements in 1741, see Clowes, *The Royal Navy*, III, 67–75; Hart, F. R., *Admirals of the Caribbean*, 149–153, and the bibliography, 194–195. *Original Papers Relating to the Expedition to Panamá*, 1741–42, London, 1744. Printed for Mr. Cooper. *Original Papers Relating to the Expedition to the Island of Cuba* [1741]. London, 1744. Printed for Mr. Cooper. Smollett, Tobias, *History of England*, III, 381–391 (London, 1811). In his *Adventures of Roderick Random*, a novel,

attack it by land. But Wentworth lost heart in the trackless swamps, and turned back. The campaign was soon abandoned, and the fleet returned to Jamaica.

The Spaniards now assumed the aggressive. Privateers swarmed the Caribbean waters and played havoc with English commerce. From Georgia to New York they terrorized the northern mainland coast. Carolina and Georgia plantations were sacked.[1] Within the year ending August, 1741, more than thirty English prizes were taken into the harbor of San Agustín alone.

Oglethorpe had no intention of quitting. Instead he proposed a new drive on San Agustín and made preparations for putting it through. The ministry were favorable and the drive was planned for March (1742).

Smollett wrote a brief account of the expedition against Cartagena, in which he took part as an army surgeon. He wrote a longer account in his *Compendium of Voyages* (London, 1756). For Spanish reprisals, from September, 1739, to November, 1741, see Clowes, *op. cit.*, III, 264–265. For plans for the Spanish campaign against Georgia and Carolina, see the correspondence and instructions in *Ga. Hist. Soc. Col.*, VII, Pt. III, 20–47; Ford, W. C., *Vernon-Wager Manuscripts*, 87–100, *passim.*

[1] For the sacking of Carr's plantation in 1741, see Egmont's *Journal* (*Ga. Col. Rec.*, V), 484, 529. For Spanish captures, see *Ga. Col. Rec.*, IV, supplement (Atlanta, 1908), 117, 223–224; *ibid.*, VI, 370; Clowes, *The Royal Navy*, III, 264–265.

But money was short, red tape long, and dissension debilitating.[1] Critics carped. The Trustees were grafters, they said, and Georgia was not worth a war. Sir John Cotton was so bold as to urge in Parliament that Port Royal be made the boundary, as Spain demanded. The Trustees finally triumphed. Georgia was declared useful to England, and Stephens, the chief critic of the Trustees, was publicly humiliated.[2] Vindicated, Egmont rejoiced that his enemy would be "brought to his marrow-bones." On June 30, 1742, the luckless young Stephens, in full view of Parliament, bent one knee before his accusers. This was not enough. "Both knees," demanded the

[1] For Oglethorpe's proposal of another campaign against San Agustín, May, 1741, see *Ga. Col. Rec.*, V, 553. For Carr's arrival with Maryland marines, see *ibid.*, V, 511. For Dunbar's mission to raise Indians, see Wright, *A Memoir of General James Oglethorpe* (London, 1867), 279–281. For the conference with Chief Wolf, see *Ga. Col. Rec.*, IV, supplement, 160, 162, 173.

[2] For discussion in England of the value of Georgia and of plans for a campaign, see *Ga. Col. Rec.*, IV, supplement, 234, 253, 275; *Ga. Col. Rec.*, V, 273, 293–313, 355, 416, 422, 430, 432–436, 489, 496–498, 514–555 (settlers for Georgia), 560, 561, 565, 575–579, 589, 592, 601, 611, 612, 619, 620, 633, 635–636, 637–644; Wright, *Memoir*, 280; *Ga. Col. Rec.*, XXIII, 459. For proposals of Harman Verelst and Oglethorpe, concerning the war in Georgia and Florida, and proceedings thereon by the Lords Commissioners of Trade and Plantations, October 15-November 20, 1741, see Ford, *Vernon-Wager Manuscripts*, 98–99.

Speaker; and both joints were flexed for half an hour. The Trustees gloated to witness their critic's degradation. But England's chance to take the offensive had passed, for Spain had assumed that position.

In October the Spanish ministry had decided to launch an expedition to drive the English out of Georgia, and make good Spain's claims as far as Port Royal.[1] They would regain by war what had been lost by pacifism and the deceptive Convention of El Pardo. Now was the opportune moment. Vernon's failure at Santiago released Torres somewhat from his arduous watch at Havana. England's northern colonies were weakened by the drain of Vernon's futile expeditions.

In anticipation of victory, perhaps, Arredondo in Havana sat down and wrote an "Historical Proof of the right of the Catholic King to the territory held to-day by the British king under the name of New Georgia in the provinces and Continent of Florida, by which is proved the unquestionable title of the King of Spain as far as north latitude 32° 30′ inclusive, where lies the harbor of the

[1] For Montiano's proposal for a counter blow, July 28, 1740, see *Ga. Hist. Soc. Col.*, VII, Pt. I, pp. 62–64.

island of Santa Elena." This was the line which the campaign must establish.

Güemes was entrusted with preparations. Havana was made the base of supplies and convoy ships. Montiano was put at the head of the expedition, with Rubiani in charge of the fleet and second in command.[1] The expedition was designed to expel the English from Georgia and to devastate South Carolina. It must "inflict a damage that will ruin and terrify them. It must burn all towns, posts, plantations and settlements." It must repay the attacks of Drake, Moore, and Oglethorpe. Above all it must recover Georgia.

Two Spanish diaries tell us what happened.[2] One of them was written by Arredondo. On June 1 a flotilla of ten small vessels left Havana. Five days later the main fleet set sail. At San Agustín the vessels reassembled and took on the Florida contingent. Now for a few days the old harbor presented a lively scene. Busiest of

[1] A Spanish view of Montiano's campaign against Georgia is contained in "The Spanish Official Account of the Attack on the Colony of Georgia in America, and of its Defeat on St. Simons Island by General James Oglethorpe," in *Ga. Hist. Soc. Col.*, Vol. VII, Part III (Savannah, 1913), pp. 20–108.

[2] These are the diaries of Montiano and Casinas (*ibid.*, 52–87).

all was Arredondo, chief-of-staff. When all was ready it was an imposing force that stood out to sea. The fleet consisted of fifty vessels carrying eighteen hundred soldiers and about a thousand seamen.

The main Georgia targets were St. Simons and Frederica. These destroyed, the fleet would continue by the Inland Passage to Savannah and Port Royal. The first day out from San Agustín the vessels were scattered by a storm. Oglethorpe rushed down the coast to meet the Spaniards, and their attacks on Fort St. Andrews and Fort William failed. Returning to Frederica Oglethorpe assembled his troops and organized a fleet in the harbor of Gualquini.[1]

For six days Montiano was prevented by a storm from entering that bay. On the sixteenth he forced an entrance in the face of fire from forts and flotilla. It was a bold enterprise, such as Oglethorpe had tried in vain at San Agustín. Oglethorpe retreated

[1] For Oglethorpe's preparations, see Wright, Robert, *A Memoir of General James Oglethorpe* (London, 1867), pp. 293–300; Stevens, *History of Georgia*, I, 180–184; Jones, *History of Georgia*, I, 341–346; *Ga. Col. Rec.*, III, 131–132; XXIII, 409, 438; Jones, C. C., *The Dead Towns of Georgia* (Savannah, 1878), 102–105.

to Frederica; his fleet dispersed. The invaders landed and occupied the forts and village of St. Simons.[1]

Montiano planned next to advance on Frederica, and two detachments were sent out to learn the trails. The only road to Frederica was a narrow path cut through the woods along the edge of a great marsh. The men had to go single file, but they managed to get within two miles of the town. Oglethorpe leaped on a horse, led out Highlanders, Rangers and Indians, and rushed to the spot. The Spaniards, defeated, fled in confusion. Montiano hurried three companies of grenadiers to cover the retreat. With shouts and drum beat they advanced to the marsh and halted within a hundred paces of some of Oglethorpe's men in ambush. Stacking arms, they kindled fires and prepared to cook a meal. It was gross carelessness. Suddenly they were set upon and routed. Many fled without their muskets, others were left dead on the field. In the two engagements the Spanish

[1] Diaries of Arredondo and Casinas, *Ga. Hist. Soc. Col.*, VII, Pt. III, 53–64, 65–69; Montiano's reports, *ibid.*, 48–49, 88–91; Wright, *Memoir*, 302–303. *Ga. Hist. Soc. Col.*, III, 125, 140–141, 143–145. For a manuscript copy of Arredondo's diary, see Phillips, *The Lowery Collection*, 273–274.

loss was two hundred. These combats are famed in Georgia history as the Battle of Bloody Marsh.[1]

The tide of war had turned. Montiano tried to effect a landing at Frederica by the river but was driven back. Oglethorpe in turn attempted a night assault but was betrayed by a French deserter. Next day Spanish lookouts in the masts reported an English fleet approaching from the north. Fearing attack by both land and sea, the Spaniard hurriedly retreated to San Agustín.[2] Oglethorpe and Montiano were now even. The Boston rhymster wrote, in January, 1743:

> From Georgia to Augustine the General goes;
> From Augustine to Georgia come our foes;
> Hardy from Charleston to St. Simons hies,
> Again from thence to Charleston back he flies.
> Forth from St. Simons then the Spaniards creep;
> "Say Children, Is not this your Play, Bo Peep?"

[1] For the Battle of Bloody Marsh, see Casinas's diary, *loc. cit.*, 72; Montiano's report, *ibid.*, 91–92. Stevens, *History of Georgia*, I, ch. 5; Jones, *History of Georgia*, I, ch. 22; Wright, *Memoir*, ch. 16; Jones, C. C., *The Dead Towns of Georgia*, 107–115.

[2] For events after the defeat at Bloody Marsh, see Wright, *Memoir*, 308–312; Casinas, *Ga. Hist. Soc. Col.*, VII, Pt. III, 76–87; Montiano, *ibid.*, 94; Jones, *Dead Towns of Georgia*, 110–113.

A VIEW of the TOWN and CASTLE of St AUGUSTINE,
and the ENGLISH CAMP before it June 20 1740. by THO: SILVER
The Town
Matanza River
The Castle
North Channel
South
South Channel
North Breakers
Breakers
Bar
Spot
A The English South French & 18 & 9 small Battrs
B 1 Irish prisoners we plague Sentl on Shores
C Euftatia Island which is chiefly Sand & Bushes
D Indians bawling Company in search of the Castle
E 1 Irish Prisoner & 12 Ca. Mortar of 25 & 10 Inch
F Genl Oglethorpe Soldiers & Indians & Sailors Comp
G 1 Look out taken the 18th of June
H Soldiers and Indians looking Sam. the 11th
I 1 Sand Battery quitted our approach
K Capt Warren Commander over the Indians hoisting
the Union Flag on board a Schooner
L The Indians waits to Water the Shipping
Ships 1 Flamborough 2 Hector 3 Squirrel
4 Garter & Phoenix
Sloops 6 Wolf 7 Spence
Employ'd in that Expedition about 600 Seamen
300 Soldiers and 500 Indians
Forces of the Spaniards 1000 besides at Strong
Castle and 4 Fortified Works and a Shallop
Brings him News and Command Women in them
A Account of the Arrival of S Augustine in a Letter from Colonel Bedon
to his Friend in Carolina
Sir I have the pleasure to inform you that we have got to the
Flamborough Capt Pearce the Phoenix Capt Bourton the Hector
Capt Hammond the Squirrel Capt Warren & separate Vessels
near the Spanish Sloop Capt Knox and the Wolf Capt Scatterer
with the 2d Company Batteau with 300 Carolina Soldiers appointed
to the Service of the Expedition On the 9th Genl Oglethorpe came by
Land with 300 Soldiers and 500 Indians from Georgia the 10th
the Ships were moved nearer Shore on the Mouth of Matanza River under
the cover of the small Ships Guns Wee took down the Island
Euftatia without Opposition and took the Look out at C
On the 11th Capt Warren in a Schooner and Capt Howard Boyd that
Day were sent over in their Barge to reconnoitre the Harbour
the 20th when the Indians were employed in landing Ordnance and
other Stores with Part of the Troops from the Ships & Garden
the Enemy sent a separate Guard and Sam pride The same night two
Batteries were raised but no part of
The 21st the General summon'd the Governor to surrender, who sent
word he should be glad to shake hands with him in his Castle The night
he answer was received by a short Letter [illegible] Hammond
has secured one by Capitulation so of whom were sent Hostages
Next day the Men marched
The 24th Fort Matanza offered the men of War a parley but they
but one man had been killed & Nine upon their own round

The Siege of San Agustín. By Thomas Silver.

In recognition of his "good service in repulsing the Spaniards from Frederica" Oglethorpe was made Brigadier General.[1] In July, 1743, he sailed for England, never to return. He was a conquering hero, and was cleared of all charges against him. Years later, when an old man, he had a tale to tell. To Oliver Goldsmith, Sir Joshua Reynolds, and other boon companions, he spun yarns of adventure in Georgia, and furnished Goldsmith inspiration for the lines:

> Through torrid tracts, with fainting steps they go,
> Where wild Altama murmurs to their woe.

[1] For Oglethorpe's promotions, see *Ga. Col. Rec.*, V, 679; Wright, *Memoir*, 325, 331, 336, 337, 345; *Ga. Hist. Soc. Col.*, III, 146; Jones, *History of Georgia*, I, ch. 22.

CHAPTER VII

THE NEUTRAL GROUND AND THE FINAL STRUGGLE

(1743–1763)

For several years now the country south of the Altamaha continued to be what Newcastle had suggested, an "uninhabited tract." England maintained Fort William on Cumberland Island and another small post on Jekyl Island. For a short time Carr had a plantation on Blythe Island and Heron another near by. But through continued raids from the south these plantations were abandoned, and the slender island posts alone remained.[1]

Though "deserted and unbuilt," the region remained debatable ground. Legally speaking, nothing had been settled by the war. Neither side relinquished its claim. Spain continued to stand on the treaty of 1670. Indeed, she appealed to France to make it good. France responded. By the treaty of Fontainebleau (1743) she pledged herself to

[1]For posts on Cumberland and Jekyl, see *Ga. Col. Rec.*, XXV, 396–397; XXVI, 28–31.

"oblige the English to destroy the new colony of Georgia and all forts built on Spanish soil."[1] France entered the colonial war, but she failed to keep her promise regarding Georgia. Attention in the struggle was now turned to the north. The St. Lawrence supplanted the Caribbean; Cape Breton overshadowed Havana and San Agustín.

As the war dragged on various peace proposals were made. One provided for a commission to try once more to settle the Carolina boundary. Spain again demanded that Georgia be evacuated, and rumors got abroad that this might come to pass. Frightened, Oglethorpe and other Trustees appealed to the Duke of Bedford. The fear was groundless, for the treaty of Aix-la-Chapelle restored everything to the *status quo ante bellum*. War being over, the Georgia regiment was now disbanded; but some sixty men were kept at the island posts, "as a sign of possession." By England the opposite mainland south of the

[1] For the treaty of Fontainebleau, see Cantillo, *Tratados, Convenios, y Declaraciones de Paz y de Comercio* (Madrid, 1843), 370; Lucien Schöne, *La Politique Coloniale Sous Louis XV et Louis XVI* (Paris, 1907), 119-121; Forbonnais, *Histoire et Commerce des Colonies Anglaises*, p. 327 (London, 1755), cited by Schöne.

Altamaha was treated as Neutral Ground.[1] Pending an adjustment it must be left unoccupied.

For a decade now England toyed with this idea of a Neutral Ground. Nonchalantly Spain let her toy. The peace of 1748 was only a truce, and both England and France competed for the good will of Spain. England must not offend her unnecessarily by an invasion of disputed territory. The Court of Madrid was also in a conciliatory mood. By a new treaty Spain and England made mutual concessions (1750). Spain yielded to English merchants extensive privileges. In return the Asiento of the South Sea Company was terminated. The treaty was ordered published in Georgia with a warning to "avoid giving the least ground for such complaint as may, in any wise, interrupt the good Harmony . . . between the two Crowns."

[1] For peace movements in 1745, see *Trevor MSS.*, 122–129. For the proposal of 1747, see Lord John Russell, *Correspondence of John, Fourth Duke of Bedford* (three vols. London, 1842–1846), I, 288–330. For French insistence on the abrogation of the Asiento, see Russell, *Correspondence of Bedford*, I, 448, 451, 476, 477, 528–536. For the fear felt by the Trustees, see *Ga. Col. Rec.*, I, 508–510. For the peace of 1748, see Chalmers, *Collection of Treaties*, vol. I; Russell, *Correspondence of Bedford*, I, 273–287, 391, 586–588.

But old animosities could not be entirely forgotten in a minute. Georgia settlers felt uneasy and called for a garrison on the Altamaha (1751). Disturbing reports were heard of new fortifications at San Agustín and San Marcos; Spain's minister Ensenada showed a French leaning. Hostile orders were sent to the Spanish governors; and Spanish agents showed suspicious activity among the Lower Creeks. Bedford complained. Yielding, the King of Spain repudiated the objectionable orders, dismissed Ensenada, and put Ricardo Wall in his place. Anglo-Spanish relations were greatly improved by the change, and, though France and England again went to war, Spain remained neutral (1755).[1]

But just when Spain's friendship was most important it was threatened by a violation of the Neutral Ground. Unruly frontiersmen crossed the Altamaha without permission.

[1] For English desire to conciliate Spain after 1748, see Russell, *Correspondence of Bedford*, II, 31, 34–35, 45, 46, 58, 70–72; *Ga. Col. Rec.*, XXVI, 149. For the treaty of 1750, see Cantillo, *Tratados*, 409–410. For trade relations between Florida and Georgia after 1750, see *Ga. Col. Rec.*, VIII, 347, 594, 687–90. For border fears, animosities, and Indians raids after 1750, see *Ga. Col. Rec.*, I, 560; VI, 417, 421, 440–442, 451; VII, 390–401, 420–425. For Ensenada's hostile policy, see Russell, *Correspondence of Bedford*, II, 71–72, 151, 152, 154; Yorke, *The Life and Correspondence of Philip Yorke, Earl of Hardwicke, Lord High Chancellor of Great Britain* (Cambridge, 1913, 3 vols.), III, 251.

Malcontents from Augusta and the Ogeechee settlements, "runagates" from Carolina and Virginia, these men were called. Headed by Edmund Gray they had opposed Governor Reynolds in politics. He had the whip hand, and they were expelled from the Georgia Assembly on the charge of sedition. Some of them sought liberty in the Neutral Ground. There, on Satilla River, thirty miles from its mouth, "Gray's Gang" formed a settlement called New Hanover, and engaged in Indian trade. Ephraim Alexander opened a store and trading post. Fearful of consequences, Reynolds visited the border (April, 1755). He was not reassured by what he saw. With alarm he wrote that the emigrants were going south "by boats full." His commission gave him authority only to the Altamaha. The Satilla was in the Neutral Ground. But in the interest of good order Reynolds asked the Board of Trade to extend his rule to the St. Marys. For good reasons his petition was denied. Spain's policy was uncertain and the Creeks complained of Gray's Gang. Both Spaniards and Indians must be kept friendly.[1]

[1] For Reynolds and Gray's Gang, see *Ga. Col. Rec.*, VI, 425, 441; VII, 95, 100, 171, 173, 252, 294, 333; Stevens, *History of Georgia*, I, 405-407, 412-413; Jones, *History of Georgia*, I, 486-487.

Spanish reaction to the colony on the Satilla was not long left in doubt. A force of thirty-four men was sent from San Agustín to New Hanover (October, 1756). The captain bore a document which, being written in Spanish, Gray could not read. But he understood the verbal orders that the intruders must withdraw from Spanish soil; and he promised to refer the matter to his governor. For three days the Spaniards visited amicably, traded at Alexander's store, and then departed.[1]

Reynolds was succeeded by Ellis. One of the new governor's first acts was to visit the southern frontier and confer with Gray, early in 1757. There he was apprised of a new danger. The Spanish governor was now trying to attract Gray's Gang to his own standard. Gray informed Ellis that Alexander had been urged to move his trading post to the north bank of the San Juan under Spanish protection. This would be a recognition of Spain's authority in the disputed area. It would be better, the shrewd Gray suggested, for Ellis himself to issue a license, as a sign of

[1] For Gray's visit to "St. Taffeys" and Spanish reaction to Gray's Gang, see *Ga. Col. Rec.*, VII, 425–430, 451, 477, 480; Stevens, *History of Georgia*, I, 437–439.

England's authority. As a compromise Alexander was permitted to establish a post on the St. Marys opposite Fort William.[1] Across the channel on Cumberland Island another settlement was now formed. These "profligate and refractory" intruders were suspected of having received encouragment from the government of Florida to settle there, in conjunction with a number of Spanish families "sent thither from their islands, purposely to establish a colony in those regions."

Ellis had made a *faux pas*. He had violated the Neutral Ground. The Board of Trade vigorously denounced his act. The settlement on the Satilla was "an open defiance of his Majesty's lawful authority." The settlers' influence with the Indians was dangerous. Moreover, it might "disturb that

[1] For Ellis and the Indians, see *Ga. Col. Rec.*, VII, 179–180, 206, 251–261, 294, 492, 494, 539, 540, 546, 643–667, 703–706; Stevens, *History of Georgia*, I, 412, 422–423, 427, 439, 440–443. For Ellis's relations with Gray's Gang and with the Spaniards, see *Ga. Col. Rec.*, VII, 544, 547, 548; Stevens, *History of Georgia*, I, 437–438; Jones, *History of Georgia*, I, 531, 539. On August 26, 1756, the governor of Florida reported Braddock's defeat to the viceroy of Mexico and added that the Indians were peaceful and that he was perfecting the forts at San Agustín and San Marcos. (A. G. I., 86-6-6.) In July, 1759, Governor Palacios reported Creek (Uchis) hostilities against the Spaniards (A. G. I., 86-6-6.); in 1761 the western Creeks attacked Pensacola (A. G. I., 89-3-15 and 89-3-13).

peace and friendship which at present so happily subsists between his Majesty and the King of Spain, no limits having, as we apprehend, ever been settled between the two crowns in that part of America." The St. Marys was not in Ellis' jurisdiction; and the licensing of Alexander to establish a post there might be considered by Spain as a declaration of England's right to the land.[1]

The Board of Trade referred the matter to Pitt, and the New Hanover settlers were ordered "to remove immediately from thence" (June 10, 1758). Government had spoken, and there was pretended compliance. Early in 1759 commissioners served notice on the settlers, and by March they had departed. But the troublesome frontiersmen "did only make a show or appearance of so doing, and immediately returned back to their settlements." There they still were two years later.[2]

[1] For official correspondence of the home government concerning Gray's Gang, see Charles Lee, *A Report of the Attorney General to Congress; containing a collection of Charters, Treaties, and other Documents Relative to and Explanatory of the Title to the Land Situate in the South Western Parts of the United States; and claimed by Certain companies Under a Law of the State of Georgia, Passed January 7, 1795* (Philadelphia, 1796), 105–111; *Ga. Col. Rec.*, VII, 844–845, VIII, 585.

[2] For the removal of Gray's Gang, see *Ga. Col. Rec.*, VII, 875–876; Stevens, *History of Georgia*, I, 448, 449.

The Satilla settlement was probably more obnoxious to the English than to the Spanish authorities. Governor Wright complained that it was used as "an Asylum by Persons who fly thither, to shelter themselves from Justice." But having no authority to use force to eject them he could only appeal to the Board.

Gray's influence with the Creeks had been regarded as a menace. Now it was put to account. In 1759 the French succeeded in turning the Cherokees against the English. To strike a counter blow Ellis fitted out a Creek war party and put Gray in command of it. In April, Gray marched into Savannah at the head of a conquering band displaying Cherokee scalps. The braves were congratulated, and richly rewarded for being the first to shed Cherokee blood. But even Gray's services did not avail him to get permission to invade the Neutral Ground. He applied for a renewal of his license to trade in the south. Governor Wright gave consent, but only on condition that the permit be restricted to Cumberland Island.[1]

[1] For Gray's service in the Cherokee War, see *Ga. Col. Rec.*, VIII, 284, 292–294, 569.

Inevitably Spain was drawn at last into the war. Her neutrality had been greatly strained by her French sympathies. In vain she had interceded on behalf of France. She felt that further neutrality was merely hastening her own destruction. Ricardo Wall, once England's zealous friend, shouted in anger to the Earl of Bristol that all the English aimed at was "to ruin the French Power, in order the more easily to crush Spain;" to drive Spain's subjects from their island colonies; and "to destroy their several Forts and Settlements on the Continent of North America." In this mood Spain renewed the Family Compact (1761); then England declared war. The fate of Georgia was now sealed.[1]

Carlos III had championed a cause already lost. Quebec had fallen before the Compact was signed. Humiliation for Spain was inevitable, and inch by inch she yielded her claims. Grimaldi at first denounced the cession of Louisiana to England; resistance being futile, he proposed a neutral zone west of the Alleghanies to keep England from the

[1] For the breach with Spain, see *Papers Relating to the Rupture with Spain Laid Before Both Houses of Parliament on Friday the Twenty-ninth Day of January, 1762, By His Majesty's command* (London, 1762).

Gulf. Next he was ready to yield Georgia, with a "reasonable" boundary on the south—presumably the Altamaha. Then Havana fell, and the vise tightened. England offered to restore Havana in exchange for Florida or Puerto Rico. Florida could be spared better than the island. But to cede it would give England control of the Gulf and the Bahama Channel, the evil Spain had so long resisted. To save Florida for Spain, therefore, France offered England all of Louisiana. But England preferred Florida, and took it. La Florida was gone; with it vanished all of Spain's claims to Georgia. Ostensibly to compensate Spain for her loss, France now gave Spain western Louisiana, which England had rejected. Reluctantly she accepted it.[1]

The treaty of Paris ended the long contest between England and Spain over the debatable land of Georgia. But it served also to revive an old quarrel between Georgia and Carolina. Before the treaty was ratified the governor of South Carolina proceeded to

[1] For a discussion of the Louisiana cession, see Shepherd, in *Political Science Quarterly*, XIX, 439–458. For the treaty of Paris, February 10, 1763, see MacDonald, W., *Select Charters and Other Documents Illustrative of American History* (New York, 1906), 261–267.

grant to Carolinians large tracts of land south of the Altamaha. Governor Wright protested. Suddenly he had become a good Spaniard. Carolina's claim to the area on the ground of the grant to 29° was ridiculous, he said. That grant took in St. Augustine, Pensacola, and Mobile [and he might have added El Paso, Santa Fé and Albuquerque], "and therefore Mr. Boone may just as well pretend a right to grant those places as any spot of land to the southward of the river Altamaha." Arredondo himself could scarcely have stated Spain's case better.[1] The home Government took the Spanish view of the question—it was safe to do so now—and denied Carolina's claim.

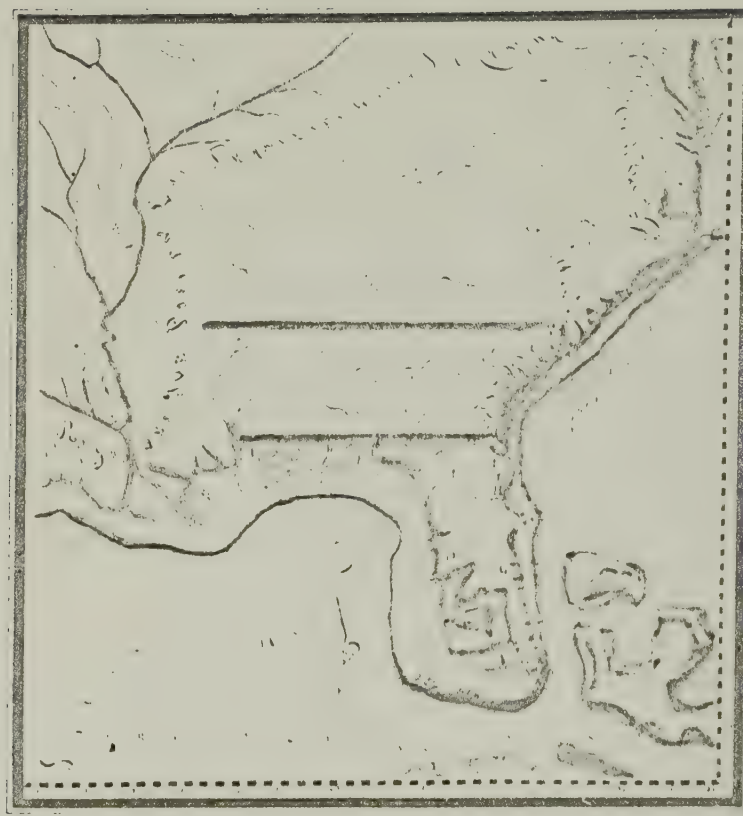
Our story now soon ends. Two Gulf provinces, East and West Florida, were organized from England's new acquisitions.[2] East

[1] For the controversy between Georgia and South Carolina over land grants after the treaty of 1763, see Charles Lee, *Report of the Attorney General*, 112–132; Letters of Hon. James Habersham, in *Ga. Hist. Soc. Col.*, VI, 10–15 (Savannah, 1904).

[2] For plans for the administration of the new acquisitions, see Lee, *Report of the Attorney General*, 133–136; for the Proclamation of 1763, see MacDonald, *Select Charters*, 267. The next January, by Governor Wright's commission, Georgia's north and south boundaries were extended to the Mississippi. For Governor Wright's commission, see *Certain Documents and Reports Relating to the Locating and Marking of the Line Between the Territory and State of Florida and the State of Georgia*. 60th Cong., 1st sess., Senate Doc. No. 467, (Washington, 1908).

Florida was delimited on the north by the St. Marys River, and a line thence to the forks of the Apalachicola. The strip between the St. Marys and the Altamaha was added to Georgia. It was no longer Debatable Land.

ARREDONDO'S HISTORICAL PROOF OF SPAIN'S TITLE TO GEORGIA



Arredondo's Map of the Debatable Land. From the original in the Spanish Archives. Through the reduction the details are lost, but the heavy parallel lines convey Arredondo's idea of the area in dispute.

HISTORICAL PROOF

of the right of the Catholic King to the territory held to-day by the British King under the name of New Georgia in the provinces and Continent of Florida, by which is proved the unquestionable title of the King of Spain as far as north latitude 32° 30′, inclusive, where lies the harbor of the island of Santa Elena, the point by which the limits of the respective possessions in this part of the world, between Florida and Carolina, should be marked.—Havana, March 20, 1742.

By

Antonio de Arredondo

INTRODUCTION

It is an undeniable fact that the New World was made known in the year 1492 by Don Christopher Columbus, who cannot be robbed of the glory of being first discoverer, under the protection, auspices, and patents, and at the expense of the Catholic Sovereigns, Don Fernando and Doña Isabel, of glorious memory; and that the voyages of the Norwegians, Danes, English, Swedes, Hollanders, Bretons and others were made after the Spaniards had spread the news of the discovery of the Western Indies. This basic fact should prove once and for all that all these domains legally belong to the Catholic King, for the same reasons which some Englishmen put forth in support of their claim to the Continent of Florida as far as 29°. This claim they rest on the exploration made by Sebastian Cabot, the Venetian, son of John (to whom Henry VII, King of England, gave a patent on March 5, 1496, authorizing him to go and discover lands in the northern parts of the Western Indies), solely because, without having set foot on it, he came in sight of the

land of Labrador in 67° 30′ north latitude.[1] Thus, if the English base their pretensions on that imaginary discovery of this region, although it took place as a matter of fact four years after the real discovery by Don Christopher Columbus, with how much greater reason and justice, on the same ground, should the Spaniards be owners of all, since they were the first explorers, and since Florida is mainland, joined to the kingdoms of New Spain.[2]

But, leaving aside this patent fact, since the principal object of this demonstration is to make plain the legality of the title of the King of Spain to the territory or province of Guale,[3] which recently has been wrongfully occupied by the English under the name of Georgia, let due attention be paid to the truth concerning events and to the natural inferences which events carry with them, as proofs and arguments against the ignorance of some, the evident malice of others, and the mistakes of many—means which have served the English nation to defraud Spain of part of her rightful domain. The author is to be excused for his poor style, partly because of his lack of ability, and partly because he has given all his attention to baring the truth, which is distorted sometimes perhaps by a resort to eloquence.

CHAPTER I

CONCISE ACCOUNT OF THE DISCOVERY OF FLORIDA BY THE SPANIARDS

1. *Discovery by Juan Ponce de León:** It is well known that Juan Ponce de León, having fitted out three ships at his own expense at the Port of San German in the Island of Boriquen, or Puerto Rico, where he had been governor, set sail on the third of March, 1512. On the 27th, the Feast of the Resurrection, he sighted land. Partly on account of having discovered it on Easter Sunday (Pascua Florida) and partly because of the peaceful, pleasant, and beautiful appearance of its groves, he gave it the name of Florida. After running along the shore in search of a harbor he dropped anchor on the coast near the point now called Cape Florida, or Martyrs' Head.†

* By Don Gabriel de Cárdenas Cano, in his *Ensayo Cronológico para la Historia General de la Florida*, Década 1ª. [folios 1-2, 5-6.]

† The southernmost point of the Continent of Florida, in 25° latitude, and the southern entrance to the Bahama Channel. It was inhabited by Tequesta Indians, who received Juan Ponce in a warlike manner. These Indians were afterward visited by Pedro Menéndez many times, and were won by him to the Catholic faith, from which in time they fell away, and to allegiance to the King of Spain, in which they have maintained and still do maintain themselves.

Landing in the early part of April, on the eighth he took possession in the name of the King, to whom he reported the nature of the land he had examined, offering to colonize it within a year.

Accordingly, his Majesty, taking into consideration Juan Ponce's merit as first discoverer, in the year 1513 granted him warrants and patents as Adelantado. Having been repulsed by the same Indians in the year 1521, with loss of many of his Spaniards, Juan Ponce retired, mortally wounded, to the island of Cuba, where he died. In recognition of the services of the father, the elder of his two sons, Don Luís, was named as his successor in the office of Adelantado of Florida by the Emperor Charles V.[4]

2. *Voyage of Lucas Vásquez de Ayllón**: It is common knowledge that in the year 1520 Lucas Vásquez de Ayllón, judge of the Audiencia of Santo Domingo, having been driven by a storm to the coast of Florida, explored all those regions. He landed several times in different places, especially in the provinces of Chicora† and Orista, to which

* *Cárdenas, Ensayo Cronológico*, Década 1ª. [ff. 4-9.]

† Territory in which South Carolina, or Charleston, is now situated, in 33°, from which Lucas Vásquez carried away by trickery one hundred and thirty Indians, taking them to work in the mines of Santo Domingo, to the great indignation of Chief Datha and his people.

district he gave the name of Santa Elena,[5] on account of having discovered it on that saint's day.* Afterward he went to Spain and claimed as a reward the right to conquer and settle Chicora, making a report on the country which he had examined from 32° to 37° north latitude, its situation and products, and the customs of the natives. The King granted him the favors for which he asked in 1521. He had founded his establishment, and was beginning peacefully to enjoy the fruits of his expedition; but, having put faith in the flattering but false talk of peace which the Indians made him, he was treacherously attacked by them one night with such fury that he was compelled to retreat, having lost a number of his men, to the island of Española, where he died in the year 1524.[6]

3. *Voyage of Pámphilo Narváez:*† Pámphilo Narváez having made a contract with the King of Spain to explore the country from Río de las Palmas,‡ as far as the eastern coast of

* This is the place selected by Jean Ribaut for the first settlement made by him under the name of Carolina, in honor of Charles IX, King of France, which he afterward totally abandoned; and here, about a league within the mouth, in 32° 30′, Pedro Menéndez Marqués established the settlement of Santa Elena and the presidio of San Felipe.

† Cárdenas, Década 2ª. [ff. 9-20.]

‡ In the province of Pánuco.

Florida, and to settle it, an order was given to grant him the title of Adelantado of the entire district.

In fulfillment of this agreement he sailed from San Lucar on June 17, 1527, with five ships, six hundred men, and some families. When he reached Florida he dropped anchor in the bay which he called Santa Cruz.* On the fourth of April, 1528, Narváez landed and in the name of the King took possession of the country with the greatest solemnity; but the hardships which he suffered were so great, and the hostilities which he experienced from the Indians were such that he had to abandon the enterprise.[7]

4. *Exploration by Hernando de Soto:*† It is common knowledge that Charles V entrusted to Hernando de Soto the conquest of Florida, giving him the titles of Adelantado and Marquis of an estate thirty leagues long and fifteen wide, in any part which he might designate of the country he should conquer,

* On the Gulf of Mexico, in latitude 29° 40′. It is the same bay which Don Tristán de Luna called Santa María in the subsequent year of 1558, and to which Don Andrés de Pez, then admiral, added the appellation of Gálvez, in honor of the Count of Gálvez, who was Viceroy of Mexico when it was settled and fortified in the year 1693.

† By the Inca Garcilaso de la Vega [*La Florida del Inca, passim.*]

and granting him for the duration of his life the titles of governor and captain-general of both Florida and the island of Cuba at the same time.[8] Under these obligations he set out from San Lucar on April 6, 1538, with ten ships and 1950 men, with whom he reached Santiago de Cuba. After taking possession of the government, and going to Havana to leave directions with his lieutenant-governor, Juan de Rojas, he set sail with his fleet on the twelfth of May, 1539. On the first of June he reached a bay which he called Espíritu Santo,* and there on the second he took formal possession of Florida, with the greatest solemnity, in the name of Emperor Charles V. Going then into the interior, discovering towns, conquering and reducing armies of Indians, now by force and now by means of kind treatment and gifts, he passed through the provinces of Hirihigua,† Muscoso, Urrivarracuri, Acuera, Ócali, Óchile, Vitachuco, and Ósachile, and reached that of Apalache. He explored this province completely, and then, leaving it, he continued his explorations to the north through the provinces of Altapaha,

* On the Bay of Carlos in latitude 27° 45′.

† So-called by Garcilaso de la Vega and by Guillermo de Lille.

Chalquies, Cofa,* Cofaqui, Cofachiqui, Guajule, Ychiaha, Coza, Jufala, Talapuz and Movilla. From here he marched to the provinces of Chatas, Chicaza, Añilco, Casquin, Capha, Quiguate, Colima, Tule, Utiangue, Naguatex, Guacane, and Guachoya. There, on the twenty-seventh of June, 1542, De Soto died, leaving the office of governor and captain-general of the kingdom and provinces of Florida to Luís Moscoso de Alvarado, until such time as his Majesty should order otherwise.[9]

5. In the year 1558 Don Luís de Velasco, Viceroy of New Spain, received an order from Philip II to send an expedition to settle Florida. Obeying the command, the viceroy prepared a fleet of thirteen ships, supplied with everything necessary.[10] As captain-general of the fleet and of Florida he named Don Tristán de Luna, who set out from Vera Cruz, and after one month's sailing arrived with his entire fleet. Dropping anchor in a harbor which he called Santa María, he landed. De Luna explored several provinces, until he reached Coza,† where he remained until for

* In 35° 40′, the northernmost region traversed by Hernando de Soto.

† Where Hernando De Soto had been.

valid reasons the viceroy ordered him to retire with all his people, which he did in the year 1561.[11]

6. By the facts set forth up to here it is shown how indisputable are the rights of the sovereigns of Spain to the Continent of Florida, not only because the discoveries mentioned were made at their royal expense and by orders given to their subjects, but also because no foreign nation had the slightest part in them. Since other proofs are unnecessary, and other instruments to authenticate such well-known deeds are not needed, they are omitted; for whoever may wish to controvert them must present facts of sufficient weight to convince the world of the contrary.

CHAPTER II

CONCERNING THE CONQUEST AND SETTLEMENT OF FLORIDA BY THE SPANIARDS

1. *Entrance of the French into the Territory of Florida:* The pleasant and fertile nature of the country of Florida coming to his notice, the French admiral, Gaspar Coligny, head and protector of the heretics, moved by cupidity, gave patents to Jean Ribaut and sent him with two ships provided with food, munitions, and Huguenot soldiers to occupy the region. This was done in the name of his King, who was ignorant of the expedition, for it is not to be presumed that he would permit lands of the King of Spain to be usurped when the latter was aiding him, with Spanish and Italian troops and with his authority and money, to put down the heretics who were agitating and disquieting the kingdom of France. Leaving the port of Dieppe on the second of February, 1562, after a voyage of two months Ribaut came in sight of

land in latitude 29°, a little more or less. Sailing along the coast to the north, he entered a river which he called May.* Being peaceably received by the Indians, he erected a column on which he affixed the arms of the King of France. From here he continued north, passing in and out of the sounds and rivers.† Finally he established a fort in the province of Órista, at the port of Santa Elena, in 32° 30′, naming it Carolina, for his King, Charles IX, who was then reigning in France. Leaving twenty-six men, with Albert Ribaut as commander, with the rest he set sail for France, taking René Laudonnière, his second in command, intending to return with more soldiers and provisions, in order to explore the entire province of Chicora, which had been discovered and trodden so many years before by Lucas Vásquez de Ayllón, as has been seen in Chapter I, paragraph 2.[12]

2. *The French Abandon the Settlement:*‡ During the absence of Jean, Albert Ribaut was violently murdered by his own men, who

* It is situated twelve leagues north of San Agustín, in 30° 26′. It was afterwards called San Juan, which is the name it now bears (St. Johns).

† He gave to others the names of those of the realms of France, and the largest, which Lucas Vásquez de Ayllón had called Santa Elena forty-eight years before, he named Port Royal.

‡ Nicolás de Fer.

mutinied against him because he would not agree to abandon the country. On account of the delay of aid from France, the disasters suffered by them were so great that Nicolás Barri, who was chosen from among themselves in place of Albert, left the country, compelled by hardships. A large part of them died miserably during the voyage, and all would have perished had they not met an Englishman who conducted part of them to England and part to the shores of France. On his arrival there Ribaut found nothing but sedition, tumults, sacrilege, and misfortunes, occasioned by the Huguenots, who were so greatly afflicting and troubling that Christian kingdom that the Admiral, who was occupied with greater matters, could not come to the aid of Ribaut with the necessary supplies for a renewal of the undertaking, and that Ribaut could not continue what had been begun.

3. Before proceeding it will be well to clear up the confusion that has been occasioned by the name of Carolina, given by Ribaut to the settlement which he made on the river called by him Port Royal and by Lucas Vásquez called Santa Elena, so that the

errors into which some foreigners have fallen may not serve as a pretext for controversy by furnishing a plea for delaying the decision, to the advantage of the English nation, as has happened heretofore.

4. The name Carolina, given by Ribaut in the year 1562, certainly was not applied to all the provinces and regions comprehended between 29° and 39° latitude, to which these foreigners thoughtlessly extend it. On the contrary, he merely applied it to the one small settlement which he left in charge of Albert; for as careful reflection would tell us, it was impossible to encompass so many provinces with only twenty-six Frenchmen, including the commander.

5. It might, of course, be true that it was the intention of Ribaut and Admiral Coligny to take possession of the whole of the territory described. But the accidents that prevented the execution of the plan, and Nicolás Barri's forced withdrawal, are clear evidence that they did not succeed in doing it. Consequently, this name of Carolina began and ended of itself in the space of a year. It is not possible that in this short time so few Frenchmen could have extended their dominion over

so large a territory, for they lacked entirely the indispensable means for carrying out such an undertaking. And, even though they had been many and had not lacked the necessary equipment and provisions which by its nature the conquest and settlement of such vast and widespread lands demanded, it was never practicable for them to fit their deeds to their desires. Therefore, those who have thought differently ought to be undeceived, especially if they pay attention to the facts which follow.[13]

6. Gaspar Coligny, being somewhat relieved of his pernicious tasks, and not dissuaded by the previous failure of Ribaut and his men, ordered René Laudonnière to renew the undertaking. With three ships, one of a hundred and twenty tons, a second of one hundred, and a third of sixty, respectively, he set sail from the port of Havre de Grace on April 22, 1564. On reaching the River May, or San Juan, on the 20th of June he established a settlement at the Bluffs of San Mateo* and erected a post which he called Charlesfort, without any mention of the name of Carolina, as the previous establishment had been called.

* Situated three leagues up the river, on the south bank, in 30° 26′, and twelve leagues distant from San Agustín. [Bluffs here mean simply high banks.]

Being settled now at San Mateo, the Huguenots remained there without doing anything but to solicit trade and friendship with the Indians of the territory, and to attempt by gifts and flattery to get information as to where gold and silver might be obtained.[14]

7. At the same time the King of Spain had given to Pedro Menéndez de Avilés the title of Adelantado. With it went the same rights and privileges as those enjoyed by the adelantados of Castile, titles to twenty-five square leagues in the territory that might be discovered and settled, the rank of Marquis for himself and his heirs, and commissions as Governor and Captain-General of Florida and its provinces, with a salary of two thousand ducats and the title of General of the Armada of the Conquest of Florida. When he was ready to start, with the necessary outfit of soldiers, families, supplies and other equipment for the purpose, the news was received in Spain that the French Huguenots had established themselves there.

8. By order of the King five hundred men, ships of his royal fleet, artillery, munitions of war, and provisions, were immediately added to the men and supplies that Pedro Menén-

dez had ready for his enterprise, and to those he was to take on at the islands of Puerto Rico, Santo Domingo, and Cuba, for which purpose his Majesty had sent orders in advance to their governors. Thereupon the King, in his Catholic zeal, and always attentive to the spread of the Holy Gospel in the Indies, first and principal object of his care, taking into consideration the pernicious results of a colony so opposed to this object, not to mention the flagrant usurpation of the right to lands previously discovered by his subjects in his royal name, ordered Menéndez to go and dislodge the Calvinists from his royal domains.

9. Pedro Menéndez set out from the Bay of Cádiz on June 29, 1565, with a fleet composed of thirty-four ships and 2,646 Spaniards, with Fathers of different Orders. On the 28th of August he came in sight of the land of Florida, and on the 7th of September he entered a harbor to which he gave the name of San Agustín.* On the 8th he ordered a solemn Mass to be sung in honor of Our Lady, and repeated the act of possession of that continent in the name of the King, receiving the oath of fidelity from his captains and officers.

* In 29° 50′. It has always been the residence of the governors and captains-general of the provinces of Florida subject to Spain.

10. Pedro Menéndez had already been informed that Charlesfort lay twelve leagues to the north of San Agustín, and that reënforcements, both ships and men, had been brought to the French by Jean Ribaut.

11. Upon learning this he called his officers to a council of war, and informed them how desirable it was to march without loss of time by land and attack the fort with fire and sword, in fulfillment of the orders of his Majesty. Considering the justice of his case and the unreasonableness with which the Calvinists, enemies of the Religion, were unlawfully settling on the dominions of the King of Spain, those invincible Spaniards, forgetful of their need of rest, with one accord agreed to make the march by land.

12. *Extermination of the French:** The men necessary for the expedition having been named and provisions made ready, the plan was carried out so effectively that in four days the obstacles of the bad road and the rains had been overcome and the French fort sighted. Pedro Menéndez urged on his men

* Cárdenas, from the memorial by Doctor Solís de Merás, which was found among his papers, of the marches, occurrences, and conquest of Florida by the Adelantado Pedro Menéndez de Avilés, his brother-in-law, whom he accompanied on the expedition.

by his example, and executed with his sword what his voice commanded. They attacked with such fury that in a few hours the Spanish banners were raised and the Spaniards were in possession of Fort Charles or Charlesfort and of the settlement. The battle ceased because there was no one to resist, for they left not one Frenchman alive, excepting seventy persons, comprising women, children, and youths up to fifteen years, who were spared by command of General Menéndez, and excepting also René,* who with twenty-six of his men was able, by throwing himself from the wall, to seize one of the boats that were on the river, and return in it as a fugitive to France.[15]

13. The French having been exterminated, Pedro Menéndez changed the name of Castle Charlesfort to San Mateo, because he had captured it on that saint's day. After removing the arms of France and of Admiral Coligny and putting those of Spain in their place, he appointed Sergeant-major Gonzalo Villarruel as its commander. Then, leaving three hundred men and all the provisions that had been found there, he returned with the rest of the soldiers to San Agustín.[16]

* Nicolás de Fer.

14. After selecting the judge and council, appointing his brother Bartolomé Menéndez as alcalde, marking out the fort that was to be constructed, and making all arrangements for the purpose, he despatched a ship to Spain to notify the king of all that had occurred up to that time.

15. He then put out to sea. Running along the coast in a southerly direction, he arrived at the river Ays* fifteen leagues further south, in 27° 30′. Having collected all the Indians of the district, who received him in a friendly manner, he established there a settlement and a presidio which he called Santa Lucía. Leaving Captain Juan Vélez de Medrano with two hundred men, he went on to Havana to attend to the necessary arrangements for the continuation of the undertaking. On the 10th of February, 1566, he set out again, with seven ships, soldiers, and provisions, for the purpose of returning to San Agustín. On the way he stopped at the province of Carlos.[17] Entering the bay of this name,† he contracted an alliance with the

* In the Bahama Channel.

† In the Gulf of Mexico, 26° 15′. The chief of this province had been for twenty years called Carlos, because he had learned from some Spaniards who were ship-wrecked in that vicinity that Carlos V was the greatest king in the world, and believed that by taking his name he would become his equal in majesty and power.

cacique and his people, leaving the minds of those Indians prepared to receive holy baptism and to become vassals of the king of Spain. This they did in the following year, for, on returning to this province he not only left in it two Jesuit fathers, with Francisco Reynoso and forty soldiers, but likewise in the neighboring provinces of Tocobaga and Tequesta he left thirty more in charge of captains, with a presidio in each one.[18]

16. Returning afterwards to San Agustín and San Mateo, he took aboard more soldiers and went on to the provinces of Guale and Órista, where he was peaceably received by the Indians. Being persuaded by the Adelantado, they venerated the Holy Cross and accepted the Catholic faith. In imitation of them, the other tribes in the neighborhood did the same. Fifty leagues north of San Agustín the Adelantado took possession of Órista at the port of Santa Elena, in 32° 30′. On petition and prayer of the Indians, he ordered a presidio constructed which he called San Felipe,* leaving Estévan de las Alas as governor of it and of the province, with one hundred and ten men, and with religious to teach the Christian doctrine.[19]

* Formerly Carolina, so-called by Ribaut and self-destroyed.

17. In June, 1566, General Sancho Arciniega* arrived at San Agustín with seventeen ships, fifteen hundred men, priests, and families, and many arms and supplies which the king was sending as aid. He brought letters to the Adelantado Pedro Menéndez, in which his Majesty approved of all that he had done, ordered him to continue, and expressed himself as well pleased by the punishment meted out to the French Huguenots who had attempted to establish themselves in his dominions without royal authority, in order to plant their false sect, inimical to all the service of God and his Majesty.[20]

18. The conquest of Florida being in this state, Pedro Menéndez employed the rest of the year 1566 in exploring distant provinces and bringing the heathen to the worship of the Holy Cross and to allegiance to Spain. He examined rivers, ports, and bars, so that on the eastern coast, from the bay and the province of Carlos to Santa Elena in 32° 30′, he won to adherence to the King all the provinces and villages of Indians and their inhabitants, made peace with them, and founded settlements of Spaniards at San Agustín, San

* Cárdenas, Década 6ª. [ff. 114-115.]

Mateo, Santa Elena, Santa Lucía, Tequesta,* Carlos, and Tocobaga, not to mention another which Juan Pardo had planted by his order at the foot of the mountains in the province of Chief Coava.† All were under the charge of captains and officers of character, with a suitable number of troops and religious, who, by their activity, teaching the Indians the Christian doctrine and preaching the gospel, cast out the errors of heathenism, which was the fruit to which the piety of the King aspired.[21]

19. *Attack on the settlement and fort at San Mateo by Dominique de Gourgues:*‡ While the Adelantado Pedro Menéndez was at the court of Spain seeking the means necessary to perfect the spiritual and temporal conquest of Florida, which he had left in such a forward state, the heretics of France, indignant alike because of the destruction which the Spaniards had wreaked upon Ribaut and his companions, and of the contempt with which their court received their complaints against Menéndez, endeavored to influence the secre-

* Now called Province of the Coast Indians.

† One hundred and fifty leagues to the north, in the interior.

‡ Morery, at the word "Florida."

taries by hateful lies. Finally, Dominique de Gourgues, being aided in secret, and word being given out that he was returning to Brazil, fitted out three ships with two hundred soldiers, and in August, 1567, he set sail. Arriving at the coast of San Mateo, he landed fifteen leagues farther north, where he formed an alliance with Chief Saturriva, who was moved by greed for the gifts of Gourgues. With Saturriva's men incorporated with the Frenchmen, Gourgues fell suddenly upon the fort of San Mateo and the neighboring settlements and took possession of everything. The resistance of the surprised Spaniards was not sufficient to withstand him, and most of them were killed in the defense. The rest, with the exception of Gonzalo Villaruel, fell victims to the ire of Gourgues, who barbarously ordered them to be hanged. He, with a very few of his men, opened a way to life and liberty through the enemy's ranks. Gourgues, fearing for this reason that the Spaniards would return and fall upon him, put his men on board as quickly as possible, and, steering for France, reached Rochelle on the 6th of June. He expected to receive great applause for his deed, and a corresponding reward from

the court; but instead he was treated as a disturber of the peace, for without orders from the King he had insulted the allies of his Crown. So, far from receiving the recompense which he hoped for, he was compelled to live miserably hidden among the people of his sect, while the French officials earnestly searched for him in order to deliver him to the Spanish ambassador, in proof of the sincerity of the Most Christian King.[22]

20. Returning from Spain, the Adelantado repaired the ruin wrought by Gourgues and rebuilt San Mateo, placing in it, with the reenforcements he had brought, a garrison of one hundred and fifty men, with all other equipment, and augmenting with a hundred and ninety-three men that of San Felipe in Santa Elena. He then went to Havana, and from there for a third time to Spain, whence he brought new succor. Continuing indefatigably in founding settlements and, above all, in spreading Christianity, he succeeded in placing several Fathers of the Society of Jesus and other priests in various places and provinces in the interior of the continent.[23]

21. Pedro Menéndez Marqués,* nephew of the Adelantado, who in the absence of his

* Cárdenas, Década 7ª. [ff. 146-149.]

uncle was governor of Florida, brought many Indians of the interior to obedience, taking possession of each province in the name of the King, particularly before Rodrigo Carrión, notary of the district of Santa Elena.[24] He also went out to explore the coasts in the year 1573, for the purpose of marking out the ports, bays, rivers, bars, and shoals, so that by this means the Spaniards might be aided by the knowledge of the way to sail those seas. He started from Martyrs' Head in 25°, and sailed as far as the bay of Santa María, in 36° 30′, keeping an itinerary and diary of his voyage.[25] The Adelantado having gone to Spain a fourth time to assume by the order of the King other offices in his royal service, while he was engaged in their fulfillment, this distinguished man died at Santander on the 17th of December, 1574.[26]

CHAPTER III

CONCERNING THE FIRST ESTABLISHMENT OF THE ENGLISH ON THE CONTINENT OF FLORIDA

1. By the year 1574 the Spaniards had been owners of Florida by right of first discovery since 1512, and by right of conquest and first occupation since 1565. For this reason the sovereigns of Spain were proprietary rulers, and were in possession from Cape Florida, or Martyrs' Head, in 25°, to Santa Elena in 32° 30′, inclusive, with settlements, presidios and missions. For the same reason they were proprietors and in possession as far as Cape Henry, or the Bay of Santa María, in 36° 30′, although they were without any colony, when Walter Raleigh came to occupy the province of Virginia,* inhabited by Indians, by establishing a settlement. This was the first time that the English took possession on the Continent of Florida. They made a beginning of their establishment by changing

* In the year 1584. Walter Raleigh's *History*.

the name of Viginia to Virginia,[27] perhaps because Elizabeth, the reigning queen of England, was unmarried. In the course of a few years they extended this colony to the south, dividing it into several seigniories, counties, and baronies, until its boundaries reached as far as the Spanish settlement of Santa Elena.[28]

2. *Drake's Surprise Attack on San Juan de Pinos*:* Queen Elizabeth having declared herself the enemy of Spain two years afterward, by giving aid in soldiers and money to the Flemish rebels, sent to the West Indies Count Christopher Carlisle and Francis Drake, with a fleet of twenty-one ships and a landing-force of 2,300 men. After burning and sacking Santo Domingo, Cartagena, and Santiago de Cuba, undefended places, in the year 1586 on his way back to Europe he did the same by a surprise attack at San Juan de Pinos, a presidio of fourteen cannon, not yet finished, situated six leagues to the south of San Agustín. This town and its fortress in turn experienced the same destruction at his hands, because the Spaniards, having been told of the superiority of the enemy forces, had retreated to San Mateo, in order to be able, by

* Cárdenas, Década 8ª. [ff. 161-163.]

uniting with the troops there, to repulse their opponents. The latter, learning of this move, again embarked and attempted to go to Santa Elena in order to attack it, but were compelled by a storm to go to Virginia. There they found the English in the settlement recently established by Walter Raleigh perishing of hunger and want, which forced Ralph Lane, its governor, to embark with his men on Drake's ship and abandon the country.[29] Consequently the British occupation of it then came to an end. When the Spanish governor learned that the Count and Drake had contented themselves with the damage done to San Juan de Pinos and San Agustín and had entirely abandoned those coasts, he returned by land with all his soldiers and families and began to reconstruct the fort, which he finished completely with the aid of supplies sent to him from Havana.*

3. *The English return a second time to Virginia and establish themselves:* During the next twenty years the Spaniards continued to develop their settlements and to pacify some tribes of Indian vassals. The Indians, with no other cause than their natural weakness and

* Cárdenas, Década 8ª. [f. 163.]

fickleness, from time to time revolted.[30] On the part of the English there was no event or movement until the year 1606, when Christopher Newport was sent over by Bartholomew Gosnold, who, in company with John Smith and other merchants of London, had supplied him with everything necessary. After several storms which caused him incredible hardships he reached Virginia. Arriving at Cape Henry or Santa María, he landed against the wishes of the Indians, who compelled him to fortify quickly, in order to defend himself from their furious attack. Finally, entering Powhatan River, now called the James, he founded on the spot that seemed best to him the city of this name, in honor of James I, the reigning monarch.

4. *Patent of James I, ceding the lands included between 34° and 41°.** As a result of this event, James I, who granted what did not belong to him, made no difficulty in yielding to the petitions of Gosnold and his companions to have the company confirmed. He therefore gave his royal approbation,† with permission for all the families of the interested parties to go to the new settlement of Vir-

* Cárdenas, Década 10ª. [f. 177.]

† The year 1607.

ginia, under the conditions that he chose to impose, and granted to the company the mainland and islands situated between 34° and 41° of latitude, as though they were his own, issuing a royal decree for this purpose.[31]

5. In the meantime the Spanish settlements spread from 32° 30′ toward the south, and toward the west as far as Apalache, Apalachicolo, Cassita, Caueta, and neighboring provinces, with so much spiritual fruit among the Indians that in the general chapter which the Franciscan Order held in Rome in the year 1612 it was considered necessary to erect Florida into a province. To this the assembly agreed, naming it Santa Elena,* in honor of the settlement there of which this saint was titular advocate and patroness. The Convent of Havana was established as the head of this province.[32]

The English also advanced their colonies toward the south from Jamestown, or the city of James, with all the Puritans who had fled England,† persecuted by Archbishop Bancroft, who wished to compel them to live in

* The organization which exists at the present time, preserving to this province the same title.

† *History of England*, by Rapin, under the reign of James I, 1608.

conformity with the rites of the Anglican Church. But in the year 1626 Charles I for his just reasons annulled the company and, depriving it of the rights granted to it, added Virginia to his crown, appointing governors and judges to rule in his royal name.[33]

6. The year in which the English settled their North Carolina cannot be positively fixed, for this information is lacking in such papers and books as are to be found in this city. But its establishment must have occurred in the reign of the Most Serene King Charles I, and consequently before the year 1649, in which his Majesty lamentably died.[34] Its governor, being faithful to Charles II, the legitimate successor, did not wish to yield obedience to the Republic or to Oliver Cromwell, who, in the character of Protector of the three kingdoms, was ruling it in the interregnum. Therefore, Parliament was obliged to send Hiriviscon with a fleet in the year 1651 to subdue him; and to send George Ascough[35] in the following year with another of fifteen ships and two thousand infantrymen to subjugate Virginia and the rest of *terra firma* populated by the English;* and to remove the governors

* Whitelock the author.

belonging to the party of the king and appoint others of its own faction. This was easily accomplished, for the prosperity of their commerce had made them careless about fortifying themselves.

7. Great numbers of British subjects were attracted by reports of the advantages promised by the country. Consequently this province was extended southward as far as 33°, and was divided into North and South Carolina in the year 1665, when the latter was founded* under the name of South Carolina.[36]

8. However this may be, it does not take away from or add to our contention. Since South Carolina[37] is in 33° and San Felipe in Santa Elena is in 32° 30′, the point of the argument and of this work is not contradicted by the fact that the English may have founded the two Carolinas mentioned a year sooner or later. For in any case it is proved that the country from 36° 30′, inclusive, in which Cape Santa María is situated, to Santa Elena, in 32° 30′, was usurped by the English, notwithstanding that it was not yet settled by the Spaniards, for the reason that Lucas Vásquez de Ayllón and Pedro Menéndez

* Nicolás de Fer, in his *Descripción Geographica de la América.*

Marqués had explored it as far as the aforesaid latitude of Santa María, and that in the year 1573 the latter wrote a diary and itinerary of its coasts, which no other nation whatsoever reached until eleven years afterward, when Walter Raleigh settled it under the name of Virginia, as has been seen in Chapter III, paragraph 1.

9. Up to this point the beginnings and early history of the discoveries, conquests, and establishments of the Spaniards and English on the Continent of Florida have been set forth with discrimination as to events and the years in which they took place, and also as to what unquestionably belonged to each nation. A clear statement has been made of the legal rights of the Catholic King to the region from San Felipe, in Santa Elena, the last settlement and presidio in the north of which his Majesty enjoyed possession, to the cape and bay of Santa María, because it was not settled by the English until after the explorations of Lucas Vásquez de Ayllón and Pedro Menéndez Marqués. And a detailed account has been given of the errors authenticated by some maps, sea-charts, reports, and printed books, carelessly and with lack of cor-

rect information, because of the confusion into which events have fallen on account of the many and diverse names that have been given to these provinces, coasts, capes, towns, and rivers, each one endeavoring to make himself plausible by fabrications, obscuring with recent designations the places which previously had names bestowed by the Spaniards, the first possessors and explorers, and now forgotten because the nations have given those that they have liked to the seas and lands which they reached, or imagined they reached. The great mischief resulting from these causes was observed by Antonio Herrera* and afterwards by John Bacon.† [38]

* *Historia General de las Indias*, Década 1ª, Libro 5°, capítulo 51.

† In the *Notas á la Introducción de la Geografía de Culberio*, Libro 6°, Capítulo 12°, Folio 504: *Cum Hispani alia, et Galli [alia] hisce, locis indiderunt nomina, magna, reperitur, in tabulis Geographisis discrepantia.*

CHAPTER IV

CONCERNING THE TREATY OF PEACE MADE IN 1670 BETWEEN THE TWO COURTS OF SPAIN AND GREAT BRITAIN

1. At the cost of much Christian blood and of vast expense and labor, the Spaniards were in possession, as has been seen in the preceding chapters, of the country included between Santa Elena in north latitude 32° 30′, and 25°, where the Continent of Florida terminates on the east.[39] They had settlements and missions on nearly all the islands and mainland of the coast, and in the interior in the provinces of Guale, Coava, Orista, Timucua, Santa Fé, San Martín, San Pedro, Azile, Vitachuco, Apalache, Caueta, Apalachicolo, Talapuses, and others;[40] while the English were undoubtedly owners from the cape and bay of Santa María as far as South Carolina, or South Charleston. Then the Most Serene and Powerful Charles II, King of Great Britain, and the Most Serene and Powerful

Carlos II, Catholic King of Spain, solemnly concluded a treaty and amicable agreement for the purpose of restoring and establishing peace in the Western Indies and renewing the friendly intercourse which had been interrupted by various and mutual injuries and depredations which had occurred.[41]

2. By Article 7 of this treaty it was agreed that all the offenses,* losses, damages, and injuries which the Spanish and English nations had committed against each other in America in times past, for whatever cause or pretext, should be completely forgotten and erased from memory, as though they had never happened. Moreover, it was agreed that the Most Serene King of Great Britain, and his heirs and successors, should hold forever in plenary right of sovereignty, dominion and possession "all the lands, regions, islands, colonies, and dominions in the Western Indies or in any part of America which the said King of Great Britain and his subjects hold and possess at present, so that under this name or title, or under pretext of any other claim, there cannot be, and ought never to be, any force used or any controversy started in the future."[42]

* Treaty of Madrid of 1670, Article 7.

3. This clearly implies that the English are and will be owners of all the lands which they possessed and held at the time when the treaty was signed, and that they are not and cannot be owners of what they did not hold or possess at that time. And although in the year 1670 they only held and possessed the territory as far as South Charleston, on the east coast of Florida, it follows that up to this place they ought legally to hold and possess, and no contention should be made against them.

4. But it is asked for what purpose was the agreement made by this solemn treaty between the two contracting crowns, which is contained in Article 7? For if the English were legal owners the statement was naturally idle. From such an act one truly infers a total lack of confidence on the part of the British court. For it plainly concedes to the court of Spain absolute dominion over all the Western Indies, by consenting, as it did consent, to an article expressed in terms so plainly in favor of the right of the Catholic King. It admits directly that as he was lord over everything it was absolutely necessary that he should legalize the British possession, and that he should

declare and proclaim in the treaty that the Most Serene King of Great Britain and his heirs and successors should possess and hold perpetually, with plenary right of sovereignty, dominion, and possession, all the lands, etc. This is the same as saying that without this safeguard, whenever the King of Spain wished he could dispossess the English, which is the same as to confess their lack of sound titles of possession, and to recognize positively that only his Catholic Majesty, as supreme owner, could grant them.

5. Is it possible to believe that the court of London, if it did not know that the complete sovereignty of the Western Indies belonged truly and legally to the monarchs of Spain, would admit it by ratifying such a formal act in prejudice of its own right, or that the court of Spain would appropriate that which did not justly belong to it? Neither the one nor the other assumption is reasonable, especially since the King of Great Britain sent as ambassador extraordinary for this purpose, with full power to conclude the treaty, Lord William Godolphin, member of Parliament and a man most fit and worthy of such a charge, while on the part of Spain Don Gaspár

de Braçamonte y Guzmán, Count of Peñaranda, member of the Council of State and of the Indies was sent, because of the combination in his person of the qualities of great ability and judgment; hence it cannot be presumed that through omission, lack of intelligence or any other defect, such wise ministers would agree to an article that would be repugnant to the honor and right of either power.

6. It follows then by necessary inference, that Great Britain has legal ownership (permissive and only by force of the treaty) over all the lands held by it in the year named, and no others; and since it is clearly proved in the paragraphs concerning the discoveries, conquests, and possessions, that in the year specified the English were not owners of the territory comprised between latitude 32° 30′ inclusive (that is, San Felipe in Santa Elena) and 29°, which region for the past ten years they have called Georgia, it naturally follows that such an establishment is a usurpation, and beyond dispute calls for another treaty like that of the year 1670, in which by another article like number 7 the Catholic King may grant to Great Britain plenary right of

sovereignty, etc., such as he granted in the former, over the rest of the regions and islands that he possessed at that time. But without this requisite, the Spaniards justly claim and ought to claim all the country from 32° 30′ to 30° 26′, where the San Juan River is situated, the point to which during the last ten years the British nation has extended itself under the name of Georgia; for from that river toward the south the Spaniards are now living, as is well known.

CHAPTER V

CONCERNING WHAT HAPPENED TO THE SPANIARDS IN THEIR DOMINIONS ON THE CONTINENT OF FLORIDA AFTER THE TREATY OF 1670, CAUSING THE WITHDRAWAL OF THE SETTLEMENTS SITUATED NORTH OF SAN AGUSTÍN, THE ACCOUNT OF WHICH PROVES WHAT POSSESSIONS THEY HELD IN THAT YEAR.[43]

1. *Uprising of the Indians:** In 1680 the provinces of Spanish Florida, which, by virtue of the treaty of 1670 will be so-called, to distinguish it from English Florida,[44] were governed by Don Juan Marqués Cabrera. At that time some Indians from the settlements of San Felipe in Santa Elena, San Simón in Guale, Santa Catharina, Sapala, Gualquini, and Vejezes,[45] began to show signs of discontent with Spanish rule and a lack of respect for their superiors, being incited by the English of South Carolina, from whose proximity nothing

* Cárdenas, Década 18ª.

else could be expected, as will be seen. For, despising the counsels of the missionary instructors, and stubborn in their disaffection, little by little they became rebellious. On the false pretext that the governor mentioned had proposed to move them to the islands of Santa María, San Juan, and Santa Cruz, a plan to which they were opposed, some of them went over to the provinces of the English.[46] This act justifies the well founded uneasiness of the Spaniards at the proximity of that nation. For if it were true that the Indians loved their habitations so much that they did not like to leave them, the same reason would exist to keep them from going to that of the English, and there would be no reason after their desertion to commit the many hostilities which they perpetrated against the Spaniards, and against Indians, their allies of Santa Elena, and which compelled the governor, in order to prevent them, to abandon this settlement in the year 1686.[47] Among other outrages, it happened that when* the royal officials of San Agustín were going, according to

* Declarations of Captain Don Juan Mexía, Sergeant-major Don Juan de Ayala, Juan de Sandoval, Don Joseph Rodríguez, Don Alonso de Avila and others, given at San Agustín, September 16, 1726.

their yearly custom, to pay the troops who were serving as garrison in that presidio and on the other islands, they were iniquitiously murdered on the road.[48] From this resulted the abandonment mentioned, and the secure establishment of the English there, which is certain proof that their influence disposed the minds of the Indians to these offenses.

2. It afterwards happened that the chief of the Christian Catholic Yamazes, a resident of the province of Guale, taking offense without cause at the Spanish governor,* went over with his people to allegiance to the English of Carolina, failing in that to the King. Not content with this grievous act of bad faith, he declared war upon the province of Timucua, one of those loyal to Spain, sacked and burned the mission and town of Santa Catharina, stole the ornaments of the churches and of the convent of San Francisco, put many persons to a cruel death, and carried off others as prisoners, making them slaves in Carolina, an act that certainly left no doubt of the collusion of the English.[49]

* Cárdenas, Década 10ª.

3. *Expedition of the Governor of Florida against the English and Indians settled at Santa Elena. Sale of their territory to Henry*[50] *by an Indian.** The Spanish captain-general then found himself with too few troops to reënforce the settlements of Santa Catharina and Sapala sufficiently to assure them against further attacks like the previous one, because the force which he had was divided between the two places, and he faced the difficulty of exposing both to the dangers of disunion. In view of this situation he wisely resolved to remove the soldiers who had remained at the two posts. Then, uniting them with those of the settlement of the island of San Simón, in the province of Guale, in 31° 18′, and arming two pirogues and a schooner he sent them in charge of Captain Don Francisco de Fuentes to dislodge the English and the Yamazes who were occupying Santa Elena. With this small force he succeeded in punishing them by burning the houses and bringing away thirty-seven Christian Indians who had been enslaved, with all the provisions that were found, and some Yamazes who voluntarily or in

* It is recorded in a letter of March 6, 1687, to the Catholic King, and in an order of his Majesty to exterminate them, which exists in the archives of San Agustín.

repentance left the English rule. He succeeded also in killing the Indian Niquesalla, chief of the Yguaja and Colona tribe, and a son and nephew of his who joined the English.[51]

4. It would seem that this is the place where it is proper to speak of the sale which some of the English lightly say was made to them by the natives of the country under discussion, alleging that for this reason they have the right to lordship over it.

5. It is true that the Indian Niquesalla sold to the English the territory of Santa Elena, with all the solemnities of documents, and with the ceremonies of pulling, and planting, and moving earth, which are usual in such contracts. But not having solid and true reasons, it is necessary for them to make use of inventions and unsubstantial and false foundations. The truth of the matter is that the Indian mentioned was not even a native of the country, but was a mere youth belonging to the Chicora nation, who lived in the province of this name to the north of Santa Elena. Being of a captious temper and ambitious for fame, he had made himself a bandit chief and joined the English. After conducting Captain Henry N. and his companions to

Santa Elena, he executed the above-mentioned sale with the formality stated.

6. It might be believed that if the English were blameless in this contract and ignorant of the rights of the vendor, they might accept the sale as legal and just, notwithstanding that it was irregular. But, admitting all this, it is not credible that they should not know that for more than a hundred years the King of Spain had enjoyed possession of that territory, and that the recent abandonment by the Spaniards did not despoil his Catholic Majesty of his dominion. Neither is it credible that they would purchase that land with all the formality with which they bought it without previous sound and authentic proof of the hereditary or acquired ownership of the vendor, indispensable requisites to legalize the alienation. And since this was impossible, as he had no right of sovereignty, either near or remote, it is inferred that the English executed the formalities of purchase as mere ceremonies, and that by natural law the sale was null and void.

7. Leaving out of consideration the rights of the Spaniards as conquerors and settlers, which they had not lost through the mere

accident of having evacuated the land in question, for every one knows that the owner of a possession is privileged to leave it unoccupied or in disuse if he so wishes, whether or not he has cause for it, without for this reason losing his right of ownership; and, granting that the Indian Niquesalla had the right to sell the land, that is to say, as chief and lord of it, so that the sale would be valid; even then the English would only be owners of Santa Elena and its jurisdiction, and not of Guale, the province farther south, a distinct domain and separate jurisdiction, where Spaniards were actually living, unless the said Indian clandestinely sold this land in the same way that he sold that of Santa Elena, which does not appear to have been done.

8. Returning to the expedition of Don Juan Marqués Cabrera, when the campaign was finished he made a report* to the King of all that had happened, representing the evils and fatal results that followed to his Catholic Majesty. He sent to his Majesty at the same time the English papers which Captain Don Francisco de Fuentes had found in Santa Elena, from the contents of which it was

* In a letter of the 6th of March, 1687.

inferred that it was the intention of the King of Great Britain to settle that region; for among them there was a patent by which it appeared that he granted rents and ownership to the above-mentioned Captain Henry N. and his accompanying settlers, in recompense of the services which they were performing for his crown by exploring those lands inhabited by savages. In consequence of this, by a decree issued at Madrid on the 14th of August, 1688, to Don Diego de Quiroga y Losada, successor to Don Juan Marqués in the governship and captaincy-general of Florida and its provinces, his Majesty approved all that had been done up to that time, and charged and ordered him to proceed to totally dislodge the English and Yamazes settled in the aforesaid lands of his dominion, sending for this purpose one hundred men as reënforcements, arms, provisions, and munitions by the ship in charge of Captain Juan Ayala y Escobar.[52]

9. No one can fail to see that if the King of Spain had had a very well-founded right to the possession of Santa Elena, which, for the reasons stated in the preceding paragraphs, the Spaniards abandoned, his Majesty by virtue of their friendly relations, not only

would not have approved of the expedition of Don Juan Marqués, but he would have severely reprimanded and chastised him as a disturber of the peace and perfect harmony that existed between the two crowns.

10. Neither can anyone fail to see that it is not natural that the King of Spain, sovereign owner of so many and such vast regions and domains in the Western Indies, would wish to interrupt the peace in order to usurp and take by force so small a portion of the country as belonged to Santa Elena, especially as he had with so much liberality granted to England the possession and the right of sovereignty over as many lands as he conceded by the treaty of the year 1670.

11. It is also clear that if that territory had belonged to Great Britain, the governor of Carolina would have made his complaints in regard to the violence of the Spaniards, and the court of London would have sent dispatches to that of Spain. But since this was not done, the inference to be drawn from its silence is that it had nothing to complain of or to discuss concerning what had been done by the governor of Florida, or by the reiter-

ated orders of the King of Spain for the dislodgement of the English.[53]

12. It would be remarkable if the King of Spain had granted to the English, as he did grant by Article 7 of the treaty of the year 1670, all the provinces and regions that Great Britain possessed at that time in the Western Indies, and then seventeen years later should desire to take away from him so small a part. It is clear, as has been demonstrated by specific facts, that in that same year 1670 the English possessed on the Continent of Florida only the territory from Cape Henry to South Carolina.[54] This is proved by the fact that the Catholic King did not order his governors to recover these domains; for he directed his orders only to dislodge the English from Santa Elena, since his Majesty bore in mind that the English were legal owners from Carolina to 36° 30′, by force of the treaty of 1670.

From this it is clearly inferred that if the jurisdiction of Santa Elena had been included in the domains which his Majesty had ceded to the English, he would not have issued orders to dislodge them from it, since he did not order them ejected from the rest. And if Great Britain had been in possession of this

territory at the time of the ratification of the treaty, it would have obtained the investiture of ownership in the same way that it obtained it for the other regions; and, consequently, the Catholic King would not have expressly approved the expedition of Don Juan Marqués, directed against the English established at Santa Elena; nor would he have sent to his successor troops, arms, and munitions with which to proceed until he should entirely dislodge them from those places. This expedition was frustrated by a violent storm which fell upon the fleet in the neighborhood of the port of its destination and damaged the ships, compelling the abandonment of the undertaking for the time being.[55]

13. It must also be noted that the granting of patent, rents, and seigniory by his British Majesty to Captain Henry N. and his companions was because he had been informed that those lands were inhabited by savages and were yet to be explored, as is proved by the context of the patent itself, for it expressly says that the King, his master, granted rents and seigniories to the said captain and the settlers accompanying him in recompense of the service which they were performing for his

crown by exploring those lands inhabited by savages.

The grant must therefore be regarded as null and void, for it is clearly to be inferred that the intention of the Most Serene King Charles II of England was to discover and settle them, which is the same as saying that his Majesty supposed them to be unknown to any nation, and without an owner, and that if his vassals had informed him of the facts he would not in justice knowingly have executed such a patent or have granted seigniories in domains that belonged to the crown of Spain. On the contrary, it is not to be doubted that he would have ordered Captain Henry and his companions to be severely chastised as offenders, for the daring crime of making their own prince an accomplice in the usurpation, and as violators of the peace and good understanding that existed between the two crowns. In view of this, it is not strange that the King and Parliament of Great Britain should allege that they had granted to their subjects patents to explore and settle that country, inhabited, according to their belief, by savages; nor that the King of Spain should claim this region under discussion on the ground of his unde-

enemies find him in the best possible state of defense. For this purpose he took all the precautions that were within his power. By these means, and through the bravery of the Spaniards, he succeeded not only in resisting the siege that Colonel Moore laid to the city and fort of San Agustín, but also in forcing him to retire with considerable damage and loss of men.

17. It is well known to most people living in San Agustín, Spaniards as well as Indians, that on the occasion of this siege all of those living in the provinces of Guale and Timucua, in the settlements of San Simón, Santa María, Santa Cruz, and San Mateo, with the soldiers and officers who composed their garrisons, retired to the city. They did so partly because they considered themselves anything but safe from the multitude of enemies who were coming down from Carolina to attack them, and partly to oppose with united forces the capture of the capital, upon whose defence depended the safety of the rest of the province. It was, therefore, in this year of 1702, that the Spaniards voluntarily withdrew from the province of Guale and the other settlements mentioned above.

18. Since the siege ended in the manner stated, and since Colonel Moore retired with all his men to Carolina, it ought not to be alleged, as is sometimes done, that in consequence of this expedition the ownership fell to the English, for it is clear that in it nothing was accomplished except to harass the Spaniards as much as possible.

CHAPTER VI

CONCERNING THE BEGINNINGS OF THE ENGLISH OCCUPATION OF THE COUNTRY OF GUALE; THE COMPLAINTS OF THE GOVERNOR OF FLORIDA TO THE GOVERNOR OF CAROLINA AND OF THE COURT OF SPAIN TO THAT OF LONDON; THE RESULTS OBTAINED IN THE MATTER; AND THE FULL PROOF OF THE USURPATION

1. By the series of events and of undeniable proofs concisely deduced and set forth up to here it is shown that Great Britain never has had the right to possess the country lying south of Charleston; and that it has always belonged, and now belongs, to the crown of Spain; likewise, that if article 7 of the treaty of 1670, which Spain has observed with all strictness, had not intervened, England would have had no claim even to the region included between Charleston and Cape Henry. Thus on all grounds and by all reasons, one

sees clearly and distinctly dissolved the doubts that may have arisen from lack of correct information concerning the facts, the times, and the circumstances of each particular area. The analysis of these regions into their respective parts, without confusion as to what was discovered, conquered, settled, and possessed by Spaniards and English, incontestably decides what lands each Power ought to enjoy on this continent; and clearly shows that Santa Elena, inclusive, is the boundary which ought to be prescribed for both nations by force of the facts that determine it, and the rights of the peoples who fix it, without the possibility of the slightest objection being interposed.

2. Don Antonio de Benavides Bazán, captain-general of Florida and its provinces, reported to the King, his master, the hostilities experienced by the vassals of his Majesty from the English and the Indians of Carolina. He reported also the information given him by Joaquín Boto,[59] who had made port at San Agustín in the year 1721 to sell the cargo of flour which he brought, to the effect that the English were erecting a fort at La Tamaja, or Bocas de Talaje, thirty-three

leagues to the north of San Agustín in latitude 31° 12′, which corresponds to the island of San Simón, or Gualquini; and that, having sent, in view of this information, a message and letter to the English governor complaining of the manifest usurpation, since the territory belonged to the crown of Spain, and considering the harmony and the friendly relations which ought to be maintained between the vassals of both Majesties, the English governor had replied to him that he had orders from his sovereign to provide for the safety of his dominions with fortifications and settlements as best he could.[60] In consequence of this report, Don Antonio Benavides received orders from the Catholic King issued on the 25th of March, 1721, at Aranjuez, on the 10th of June, 1724, at Buen Retiro, and on the 18th of August of the same year,* all in regard to these matters, and commanding him to go personally to see the governor of Carolina, so that together they might arrange and agree upon the boundaries appertaining to each Power.[61] For this purpose his British Majesty communicated with his Catholic Majesty through a letter by the Duke of Newcastle,

* They are in the archives of San Agustín and of the government of Havana.

dated at Whitehall on the 22d of June, old style, 1724*. Replying to the complaints made to the King his master through the minister of the Catholic King at the court of London, Don Jacinto Pozobueno, by virtue of his royal orders, in which he insisted that the governor of Carolina should immediately cause to be demolished the fort that was being constructed by the English in Spanish territory and domains, since on the contrary his Catholic Majesty would be compelled to maintain his rights, the Duke of Newcastle said that his Sovereign, earnestly desiring to live in perfect understanding with his good ally, the King of Spain, and to avoid everything that could give the slightest occasion for any alteration of the union that existed and of the mutual affection that he desired to maintain between the two crowns, gladly consented to the proposal made on the part of Spain that the two governors, in order to conclude the differences, should arrange and determine between themselves the limits of each territory, and should demolish the fort in question, if it were in Spanish domains, unless they could arrange for an equivalent to the satisfaction

* In the archives of San Agustín and of Havana.

of the Catholic King; and that for these ends his British Majesty was ordering that the necessary despatches be sent to the governor of Carolina, upon the first opportunity and without fail.

3. In view of this the governor of Florida, in order to proceed with greater certainty and justification in the deliberations of the meeting, wished, with the assistance of the government clerk, to secure a report from some of the persons living in San Agustín who could give personal information regarding the confines and boundaries of the lands which the King of Spain possessed and which his vassals occupied, to the north of that city, many years after 1670. His aim was to be able more clearly to convince and demonstrate to the governor of Carolina, in case he should oppose the just possession of the country, that it belonged to his Catholic Majesty; for he thought that by presenting facts so well authenticated he would avoid many discussions and arguments which otherwise would undoubtedly be offered by the English. He therefore ordered to be called into his presence Don Juan Mexía, captain of the garrison; Don Juan de Ayala, sergeant-major; Juan de Sandoval, soldier in the

infantry; Don Josef Rodríguez Menéndez, and Don Alonzo de Ávila Saavedra, adjutants; and the accountant, Don Francisco Menéndez Marqués. Each one having been interrogated separately under oath, they made their declarations, as eye-witnesses with certain knowledge, that they had all served in the garrisons, some as private soldiers and some as corporals, in the settlements of Santa Catharina, Zápala, Gualquini, Santa María, and San Juan, long after 1670, and that the fort in question was in the territory legally belonging to the King of Spain. Captain Don Juan Mexía and the adjutant Don Josef Rodríguez Menéndez added that they had been with the second expedition which Governor Don Diego de Quiroga attempted by order of the King for the dislodgement of the English[62] settled at Santa Elena, which on account of a storm that broke up the fleet, did not succeed, as has been stated in Chapter V, paragraph 12.*

4. It is clear that such a report from persons so well informed fully proves Spain's ownership of the region in question, for it establishes the true state of the matter, which is not contradicted by the fact that the Gov-

* Proceedings which appear in the records of the matter, existing in the archives of San Agustín and Havana.

ernor of Carolina replied to the letters from the Governor of Florida in such terms as he did, for nothing is more natural than that he should receive orders from his sovereign "to make his dominions secure with fortifications and settlements in the best way possible." These orders explain in themselves the meaning of his British Majesty, for he did not aim at securing and fortifying foreign dominions, such as those in question were and are; therefore the governor of Carolina ought not thus to interpret the orders, absolutely appropriating to himself and to the crown of his King a country which did not belong to him. On the contrary, he ought, in view of the mutual friendliness, to have convinced the governor of Florida with arguments and clear proofs, authenticated by documents, and to have shown him the titles proving the King his master to be owner of the territory[63] in question, especially since the court of London could not fail to bear in mind Article 8 of the Treaty of Utrecht dated July 13, 1713, in which* "the Most Serene and most Powerful Princess Doña Anna, Queen of Great Britain, promises that she will aid the Spaniards with

* A literal copy of Article 8 of the Treaty of Utrecht.

her forces and means, so that the former boundaries of the regions in America belonging to Spain may be restored and perpetuated as they were in the time of Señor Don Carlos II, and the losses and diminution from which they have suffered since the said Carlos II died may be repaired."[64]

5. This is the same as though the Queen of Great Britain had guaranteed to maintain and defend the right of the crown of Spain to the Western Indies, and very far from any intention of usurping it. And since the original possessions of the Spaniards in this region in the time of Señor Don Carlos II of Spain extended to Santa Elena, according to what has been alleged and proved, and since the losses and diminution happened after the treaty of 1670, it follows as a necessary consequence that they ought to be repaired, in fulfillment of the guarantee of the Most Serene Queen of Great Britain, stipulated in the Treaty of Utrecht of the year 1713,[65] and in that of the 18th of November, old style, of the same year, ratified between his Catholic Majesty and his British Majesty, in which, by the first article, their Majesties promised mutually to observe and fulfill all that was contained in the articles

of the preceding treaties. This was confirmed afterwards by the Treaty of Madrid, made on the 13th of June, 1721, between his Catholic Majesty and King George I of Great Britain, in which by Article 2 it was agreed* that his British Majesty would "expedite the necessary orders to his governors for the fulfillment of the agreement between the two crowns in the Treaties of Utrecht, particularly as to whatever may not have been put into execution in regard to the points regulated by Articles 8, 11, and 15, which make mention of leaving to the Spaniards the free commerce and navigation of the Western Indies, and of maintaining the ancient boundaries of America as they were in the time of King Carlos II, etc." [66]

6. The court of London is not ignorant of the fact that the crown of Spain possessed the province of Guale, and that its subjects were inhabiting it in the year 1702, after the death of Señor Don Carlos II. In regard to this the Duke of Newcastle, in a letter of the 18th of December, 1724, to Don Jacinto Pozobueno,† says, that in the matter of the construc-

* Article 2, literally copied from the Treaty of Madrid.

† In the Archives of San Agustín and of Havana.

tion of the fort which the vassals of Great Britain had built on the River Tamaja, or Bocas de Talaje, he would have replied to him if Mr. Nicholson, at that time Governor of South Carolina, who was expected in London, as he had obtained permission from his British Majesty, had arrived; but since he was delayed, and since Don Jacinto insisted upon some special statement in this negotiation in order to report to his court, the Duke had orders from his Sovereign to reiterate the assurances which had previously been given to him to the effect that the King his master was ready to do everything possible to contribute to the termination of this controversy according to the most exact rules of justice; and he enclosed a copy of a report which had been made by the Council and Assembly of Carolina, in conformity with the orders that Governor Nicholson had received from his court, for the purpose of instructing his British Majesty on these matters.

This reduces itself in substance to saying that* the fort under discussion had been constructed at the mouth of the Tamaha River, which, by decree or letter of the Most

* Report of the Council of Carolina, in the archives of San Agustín and Havana.

Serene Señor Don Carlos II (may he rest in glory) was ceded to his British Majesty—not only the said river, which lies in 31° 12′, but also a great territory to the south of that river; that after this cession the Spaniards did not occupy or cultivate any lands whatever on it; and that in the year 1702 they abandoned that region, with the exception of some outposts which they maintained at the mouth of the San Juan River. The report added that for forty years the English nation had had considerable commerce with the Indians living on the banks of the river.

7. Even if all the proofs given in regard to Spanish possession of the country in question after the year 1670 might not be sufficient, it is very clearly established by the contents of this report made in 1724, for, by deducting the forty years during which the English of Carolina had traded with the Indians of that region, the beginning of their commerce would be in 1684, or fourteen years after the Treaty of 1670, which is precisely the time when those Indian vassals of Spain began to revolt and to attach themselves to the British, from which arose all the troubles that have been related on this point.

8. The same thing is confirmed by the declaration of the Council and Assembly of Carolina, which says that the Spaniards abandoned those lands in the year 1702.[67]

9. And as to the pretext which the Council and Assembly set up to the effect that by a decree of the Most Serene Señor Don Carlos II donation was made to his British Majesty, not only of the river in question, which lies in 31° 12′, but also of a large district to the south of that river, their honorable members must permit this to be denied absolutely and stamped as cavilous and false. For in case it were true, the King of Spain would not demand the restitution of the region under discussion, nor would the King of England have had any need to ask for a report from the Council and Assembly of Carolina, or to await the arrival in London of Governor Nicholson in order to acquire information concerning this affair. For the presentation of the decree or letter of King Carlos II, with citation of its date and circumstances, would have been more than sufficient to terminate the entire dispute. And it is to be believed that if Great Britain had had this document she would not have neglected a means as easy

as it would have been efficacious for the purpose.

10. The decree or letter of donation referred to in the report of the Council of Carolina is also contradicted by its incompatibility with the act of Señor Don Carlos II in the year 1688, who not only approved the expedition against the English settled in Santa Elena by Governor Don Juan Marqués Cabrera, but also commanded and ordered his successor, Don Diego Quiroga, to continue the operation until he should effect their complete dislodgment, on the ground that it was territory belonging to the crown of Spain, sending him for this purpose a reënforcement of one hundred men, with provisions and munitions, as has been set forth in Chapter V, paragraph 8.[68]

11. The fact that the Spaniards after the year 1702, in which they abandoned those lands, had never occupied or cultivated them, as is stated by the Council and Assembly, does not take away from the crown of Spain its right of ownership in them, as every reasonable person knows. On the contrary, replying on this date with the testimony given before him, Don Antonio Benavides concludes that up to the year 1702 the Spaniards

were in possession. Consequently, it would naturally be supposed that the alleged decree of donation of Señor Don Carlos II would exist, for the orders which his Majesty would necessarily have issued in order that his vassals who were indisputably inhabiting the country under discussion might retire and leave the English in possession, would be forthcoming.

12. Even better proof in confirmation of the preceding is the fact that the Duke of Newcastle, after giving the foregoing information, concludes his letter by saying that, without entering into a longer discourse, the King his master wished to suspend his judgment in regard to this affair until the arrival of Governor Nicholson, from whom he would receive any fuller information that he might have in this matter, in respect to which he would do everything that might be expected for the satisfaction of the crown of Spain; but that, nevertheless, with the object that nothing should be lacking on the part of his British Majesty to satisfy the desire of his Catholic Majesty, he had ordered that instructions should be written to those in charge of the government of Carolina during the absence of

the said Nicholson, commanding them to go and have a talk with the Spanish governor, for the purpose of clearing up this matter as far as possible and of obtaining exact information, the outcome of which he would report to Don Jacinto de Pozobueno.

13. If the instrument, in the form of a decree or letter of donation from Señor Don Carlos II, actually existed in the archives of England, what doubts could there be to compel His British Majesty to suspend his judgment? Or what embarrassment could there be in his proving by his acts his desire to satisfy his Catholic Majesty? Or what would the arrival of Nicholson or of his report in London matter? Or of what use would the orders to the officials of Carolina be in a discussion of the affair with the Governor of Florida, since nothing more was required than the presentation of the decree itself?

In view of all this, the answer is left to the English. The results in reality make it clear that there never was any such decree of gift. After the reply of the Duke of Newcastle had been examined in the Council of the Indies, together with the report mentioned, which he enclosed with the antecedents of the matter,

by the advice of the fiscal his Catholic Majesty resolved to repeat to the governor of Florida, with date at Madrid of June 22, 1725, the orders that he had given in the despatches before quoted, of June 10 and August 8, 1724. He commanded him to execute the terms of these orders without the slightest omission, and directed that in case the court of England had not given orders to the governor of Carolina, or that the latter should not concur in the arrangement of boundaries agreed upon, he should summon him on his part to execute the said demarkation. To put the demarkation into effect he ordered him to go, with the assistance of qualified persons, and carry out the measures himself; and if it should result that the fort was situated in the dominions of his Catholic Majesty, he was to call upon the Governor of Carolina to demolish it, without agreeing in any manner whatsoever to the alternative proposed by the court of London for the equivalent of the said fort.

14. *Measures taken by the Governor of Florida in regard to the fixing of the boundaries between his jurisdiction and Carolina:** The

* In the archives of San Agustín and Havana.

foregoing orders having reached the hands of Don Antonio Benavides, he proceeded to carry them out, naming Don Francisco Menéndez Marqués, proprietary Accountant of the Royal Exchequer of San Agustín and the provinces of Florida, and Don Joseph Primo de Rivera, Captain of Cavalry and commander of the fort, as trustworthy and energetic persons, conferring upon them full power as his personal representatives, to go and confer with the English governor in regard to the demolition of the fort and the division of territories ordered made by the two monarchs, Catholic and British. Having instructed them concerning the very ancient right of the Crown of Spain as far as 36° 30′, he prescribed for them definite limits only as far as the island of Santa Elena in 32° 30′, by which the boundaries of both jurisdictions should be marked on the north, while to the west they should be distinguished and designated by the same parallel of 32° 30′, as far as the country of the Talapuzes and Cauetas, nations subject to the rule of the Spaniards and inhabited by them up to the year 1692.[69] Being charged, likewise, always to bear in mind the Treaty of 1670, in order not to claim a greater extent of territory

than was permitted by the good faith with which its stipulations ought to be observed, they presented themselves in Carolina.

15. In the first council assembled after the arrival of Don Francisco Menéndez and Don Joseph Primo, to which they were summoned, after exhibiting their commission and the despatches of their Catholic and British majesties, they represented to the council what seemed best to them and most in harmony with his Catholic Majesty's unquestionable rights of possession. The reply which they got was that the officials of Carolina had not received direct orders from their King in regard to the matter, but if they had them they would do what was proposed without opposition; and that as soon as they received them a meeting would be arranged to carry out the orders of the two sovereigns. In a letter of September 10/21, 1725, to the governor of Florida, Mr. Middleton, governor during the absence of Nicholson, who was in London, reiterating the reply given by the Council, added that, as long as he had no definite order from the King his master, he would maintain the fort and the dispute concerning the territories, in which, in view of his duty, he would take special care.[70]

16. It will be seen, therefore, in what manner were eluded the repeated complaints of the Court of Spain in regard to the unwarranted construction of the fort of Tamaja, and the agreements of both crowns that the two governors should communicate to each other the orders for the adjustment of the boundaries and the termination of these controversies.

17. Truly, words are lacking with which to characterize this sort of bad faith, practiced with such perfidy, although at that time it was not known who was to blame for it, whether the Court of London, through not having given the orders agreed upon, or the government of Carolina, through not having obeyed them. It is only known that there cannot be any nation, either civilized or barbarous, that would not be amazed to see the laws of friendship and good understanding broken with such effrontery, the sacred faith of treaties violated without concealment, the rights of man transgressed, and the mandates of justice trampled under foot. In short, it is fully established and proved that Spanish dominion was usurped as far as Santa Elena [71] by the very fact that the English avoided the reply

and the fulfillment of the pact between the two courts.

18. Above all, it must cause surprise, after the British Ministry in 1735 had assured Don Tomás Gerardino, minister-plenipotentiary of his Catholic Majesty in London, that Mr. James Oglethorpe, destined to Carolina, carried orders for arranging its boundaries concurrently and in agreement with the governor of Florida, to learn that those which he showed him on his arrival should be so contrary that they contained orders to settle all the territory yet unsettled.[72] But this was quite in keeping with the patent issued by the British King, on June 9/20, 1732, in which he disposes of the domains of that continent and even of the sea, granting to the company formed for the establishment of the colony of New Georgia everything not already settled by the vassals of England.[73] This is a concession diametrically opposed to the Treaty of 1670, which excludes from his possession everything which he did not hold or possess in that year, and is the very foundation and beginning by which the boundaries of the two jurisdictions must be regulated. For it is certain that if the English were undeceived, and the injustice

with which they possess the territory in question were established, they would restore it to the Crown of Spain, evacuating it entirely and removing the colony of New Georgia and its fortifications, since it is not a possession which they had in 1670, but is land that was inhabited by the Spaniards.

19. *Official communication from the Governor of Havana to Mr. James Oglethorpe:* Complaint was made to Oglethorpe on the part of the captain-general of the island of Cuba, Don Juan Francisco Güemez y Horcasitas, through an official [74] whom he sent to New Georgia from Havana in 1736, of the wrongful possession of the thirty-eight leagues of territory from north to south which he had occupied (for the settlements which he was undertaking in the domain of his Catholic Majesty comprised that much); and demand was made in his royal name that he should retire from, evacuate, and quit all that he had wrongfully settled, with such notorious breach of good faith, from the island of Santa Elena, inclusive, as far as the San Juan River. Several conferences and debates were held with that official, in which Oglethorpe exaggerated sup-

posed rights, alleging that* the country had been discovered and conquered by Sebastian Cabot in the year 1497 under patents from Henry VII of England, and that title had been subsequently sustained by Francis Drake, who, by order of Queen Elizabeth, had taken and destroyed the fort of San Agustín, and that all the lands as far as 29° had been granted to the Lords Proprietors by Kings James I, Charles I, and Charles II. Oglethorpe having been convinced by the well-founded replies made to him by the official mentioned, and by the demand for his complete withdrawal, agreed to quit and entirely demolish the fort and settlement of San Juan, which he did immediately.

20. None of the many authors who speak of the voyage of Cabot say that he reached 29°. Examine all those who have written of the Western Indies and it will be seen that they unanimously state that his exploration was from 60° northward.

21. Juan Bautista Rhamucio,[75] on folio 4 of his introduction to the third volume of his *Navigations*, states that "Cabot sailed to New

* Reply given in writing by Oglethorpe to the official sent, which remains in his possession and in the archives of Havana.

Arredondo's Map of Gualquini Harbor, 1737. From the original in the Spanish Archives.

France at the expense of Henry VII, King of England, and arrived at sixty-seven degrees and thirty minutes latitude; and, finding the sea always open and navigable, he imagined he might discover a road to Gran Cathay, but, in the midst of his plans, his crew mutinied and compelled him to return." In his discourse on the land of Labrador, folio 417, he says that "at the expense of Henry VII he discovered that of Baccalaos, reaching 67°, whence he was compelled to return because of the cold."

22. Francis Bacon,[76] of Verulam, author of the personal history of Henry VII, recounts as an event pertaining to it, that "Sebastian Cabot, emulating Christopher Columbus, and conjecturing that there were many lands north of the Western Indies up to that time unknown, which he might discover, his belief being based on sounder reasons than those of Columbus, urged Henry VII to aid him, assuring him that he would find an island abounding in riches and commodities for trade. His British Majesty, being convinced of his ability, gave him a ship provided with everything necessary, in which he set out, and, sailing west by north, reached the land of Lab-

rador in sixty-seven degrees thirty minutes north latitude, finding the sea always open and navigable."

23. Nicolás de Fer asserts that "the banks to which they go to catch codfish were discovered by Cabot, with the islands of Newfoundland;" and Jean Frederic Bernard, in *The Collection of the Voyages to the North*, folio 19, says that "John and Sebastian Cabot, with some other Venetians, set out from England by order of Henry VII, and on their return reported some countries situated to the northwest."

24. Peter Martyr de Angheria relates that "Cabot ran along the coast of the land of Baccalaos;" and it is to be remarked that entire credence must be given to this author, both because of his reputaton, erudition, and carefulness, and because when he was councillor of the Indies, or appointed to attend to their business, he was able to secure, at the time of writing his *Decades*, the most reliable information, since he dealt constantly with the discoverers, particularly with Cabot, with whom he was in very close communication. This resulted from the circumstance that the King of Spain, in the month of September,

1512, hearing from some cosmographers that there was a strait in the region of the land of Baccalaos, wrote to Lord Willoughby,* captain-general of England, to send Cabot to him, which he did at once, as though it mattered very little to Willoughby. On Cabot's arrival in Spain he was made captain, with his residence in Seville. For this reason it must be believed that Cabot, needing the patronage of Angheria to advance his fortunes, showed him the chart and the diary of his voyage.

25. However that may be, it is clear that the voyage of Cabot was of no consequence whatever to the rights of the Crown of England, not only because he did not take possession in any place, but contented himself with merely seeing the coasts (as Luís Morery says in his great *Historical Dictionary*),† and returned without examining the country or learning anything about it, as Herrera states; but also because the lands of Bacallaos, Labrador, and Newfoundland have no connection with Florida in general, and still less with the particular province of Guale and Santa Elena,

* Cárdenas, in his Introduction to the *Ensayo Cronológico*, párrafo 15°.

† At the word "Florida."

the regions under discussion. And if the claim of England to these dominions is based without dispute upon the discovery of Cabot, as Oglethorpe alleged, let him and all his adherents say to what end the Court of London consented, by Article 7 of the Treaty of Madrid of 1670, that the British Crown should be deprived of this right, and should admit that its possession of the lands held at that time in the Western Indies was by the mere favor and consent of Spain—proof that Great Britain lacked any basis or foundation to allege in favor of its claim on the ground of the exploration of Cabot.

26. Judging from the reasons stated, by which the antecedent of the argument of Oglethorpe is denied, the destruction of the consequent which he alleged of the sacking and burning of San Agustín committed by Francis Drake naturally follows. For if the latter wished by such means to subsequently sustain the title acquired by Cabot's exploration, since this was chimerical and false, according to what has been proved, the results also are necessarily false.

27. In the acts of the British Parliament, and in the dispositions of Queen Elizabeth, no

orders appear informing Drake that the direct purpose of the expedition against San Agustín was distinctly for the purpose of recovering it, a necessary requisite to prove to some degree that in their opinion the country was wrongfully possessed by the Spaniards. On the contrary, the motive of Queen Elizabeth* in sending the Count of Carlisle and Drake to America with 2,300 troopers, in twenty-one ships-of-war, is well known.[77] The arms of the Spaniards had been openly provoked against her because of the aid sent to Flanders in accord with the public contract between her British Majesty and the Allied States. The well-known condition was the cession of Flecinga and Ramichin in Zeeland and of Brila in Holland, principal posts on the coasts of those provinces, as security to Great Britain. The Queen was fearful that the King of Spain would not be satisfied with the reasons for this alliance which she published in her manifesto,† and that his Catholic Majesty would regard the assistance given to vassals rebelling against his crown as a declaration of war. Her British Majesty wished to

* *History of England*, by Rapin (under the Reign of Elizabeth, vol. 2, p. 122).

† Public Acts of England, chap. 15, p. 799.

anticipate it, and to this end she sent the fleet of Carlisle and Drake, without indicating any definite objects for the expedition. In consequence they sacked Santo Domingo, and afterwards Cartagena, with their forces, and on their way back to Europe they stopped to burn San Juan de Pinos and San Agustín in Florida. By these operations it is clearly seen that the two commanders mentioned acted in this campaign as enemies of the Crown of Spain, and not as maintainers of the right to the country of Florida acquired through the discovery of Cabot, as Oglethorpe asserted to the official.

28. Everyone must be able to see that if Drake had had orders from his court to take from the Spaniards, under the claim of restoration, the country which they held on the Continent of Florida, after his victory, obtained without opponents, who had retired to San Mateo, he would have placed there an English garrison, as the rules prescribe, and would have continued his task by land and sea until the work was finished, if it had been possible, in fulfillment of the purpose of the British Court. For, notwithstanding the loss of seven hundred men who died of sickness, he

had forces incomparably larger than those of the Spaniards, to use if he had wished to attempt its accomplishment. But he had scarcely sacked and burned San Agustín and the fortress when he again embarked his troops and set sail, with the intention of going to Santa Elena and attacking it. But, a heavy storm came up which separated his forces to such an extent that they did not come together again until they reached England, and Drake went to Virginia, where he found some of the English whom Walter Raleigh had taken there. They were perishing, and he was compelled to take them on board. All these operations indicate the contrary of what Oglethorpe represented to the official, since it is certain that if the object of the expedition had been conquest Drake would not have abandoned the prizes.

29. As to the statement that Kings James I, Charles I, and Charles II had granted to the Lords Proprietors all of the lands as far as 29°, neither is it true, nor is it an argument of justificatory force. For, through lack of authority they could not do it, and therefore these kings only gave patents of possession to the country as far as Charleston, inclusive,

as is seen in the counties, seigniories, and baronies of Edward, Count of Clarendon; George, Duke of Albemarle; William, Count of Craven; John, Lord of Berkeley; George Carteret and John Colleton, knight-baronets; and Anthony, Lord Ashley, which are all comprehended in the jurisdiction of South Carolina, as is shown in all the maps and well known to all the world.[78] In view of this, it clearly appears that Oglethorpe, confusing the anterior rights with the posterior, wished that the grant which was limited on the south by Charleston should extend itself as far as 29°, solely because he said so, perhaps without more authority than having dreamed it, and without paying attention to the fact that the land under discussion was inhabited by Spaniards at the time when the sovereigns named issued the patents, and without bearing in mind that if the lords above-mentioned had had greater privileges in their patents they would not have failed to take full advantage of them, which is proved by the fact that they did not do it. Therefore, up to the year 1702, the Spaniards did not voluntarily leave unoccupied and deserted the lands comprehended between the San Juan River and Santa

Catharina. This territory the English of Carolina began unlawfully to settle in the year 1718 with the fort at San Simón, Tamaja, or Bocas de Talaxe,[79] treated of in this chapter. They also abandoned it in the year 1727, leaving it depopulated until the formation of the Company of New Georgia, to which the reigning British Majesty granted a patent in the year 1732, in which he disposes of the dominion of that continent, granting to the company all that may not have been previously occupied by subjects of England.[80]

30. Note how clearly and distinctly it is proved, both by events posterior to the patents cited by Oglethorpe, and by the context of the patent granted to the Company of New Georgia, that this territory in question has never been given by the sovereigns of England to any of their subjects, and that Oglethorpe's pretext to the official was made either with intentional equivocation or with malice. For if the predecessors of the British king then reigning had given to the lords mentioned possession of the lands spoken of, he would not have been able to form the Company of New Georgia. Nor would there have been any unoccupied territory in this region,

as the same clause of the patent issued in favor of the company assumes. Hence the seigniories, counties, and baronies of the lords named in the preceding paragraph could not, and must not, extend further than to South Carolina, inclusive.[81]

31. Finally, if Oglethorpe had really known that the lands which he was settling actually belonged by good title to the crown of Great Britain, and that the claim of the Spaniards was ill-founded, in fulfillment of his obligation, and in view of the right which in that case he would have had on his side, it would have been easy for him to convince the official of Havana. In consequence, the demands and complaints which the latter made to him that he should demolish the fort erected at San Juan and completely remove that settlement would have had no effect. But since the result of their conferences was that the Englishmen totally abandoned the post, as has been seen, there is no doubt that he lacked solid reasons to offer against those presented to him by the official mentioned in favor of the right of the king his master.

32. From all that has been said, it cannot be doubted that his British Majesty will be

informed with all accuracy of the real and true state of the matter, and of the legal titles by which his Catholic Majesty has always claimed, and does now claim, the entire colony of Georgia, as belonging to his crown. And in view of this it must be believed that when the British court is fully informed these differences will cease entirely, and that it will order these forts demolished and the lands occupied by the vassals of his British Majesty evacuated.

33. The Court of London cannot ignore the facts set forth in the official letters sent by Don Tomás Gerardino by order of his sovereign on the 2d of October, 1736, and the 8th of August, 1737, both on this subject. And, having been informed of the indisputable right of the sovereigns of Spain to the dominion in question, it will not persist in the doubt whether the limits of that jurisdiction are or are not marked in the treaty of 1670, as it asserted in a letter of the Duke of Newcastle, done at Hampton Court, on September 2/13, 1737, in reply to those letters of Don Tomás Gerardino. In this letter he says* that

* Letter of the Duke of Newcastle, existing in the office of the secretary of the government of the captaincy of Havana.

the British King does not understand upon what pretext Spain can formulate this demand, and that, having ordered the said treaty and that of Utrecht of 1713 to be examined with great care, he had given him orders to make known to the minister of Spain that there was in them no special demarkation of the boundaries of the provinces spoken of, and that Article 7 of the Treaty of 1670 especially, in accordance with which his British Majesty was of the opinion that the respective possessions in America ought to be fixed, very far from containing any description or regulation of this sort, did not prescribe any other rule than that of possession.[82]

34. The Court of Madrid does not recede one jot from the rule of possession prescribed in the treaty. On the contrary, its demand is reduced to the desire that it be observed, for this rule of possession clearly and expressly states that it is understood and ought to be understood as the regions, islands, colonies, and dominions held and possessed by Great Britain in that year. This is the same as excluding her entirely from those which she did not hold or possess. And since the beginning, middle, and end of this work have clearly

shown that in the year 1670 England did not hold or possess any other territory in this region than that extending from Virginia to Charleston, inclusive, and that the rest, to the southward, was inhabited and ruled by the Spaniards, it follows as a necessary consequence that Article 7 of the treaty referred to makes the King of Great Britain owner of the territory as far as Charleston, and the Spaniards as far as Santa Elena, of which jurisdictions the respective nations were in possession.

35. From this arise the incontestable reasons why the limits of the two territories were not distinctly marked. They were ignored by the Court of London, which did not see that it was a useless procedure, since the words of Article 7 left no room for doubt or for interpretation, for they say that "the sovereigns of Great Britain, their heirs and successors, with plenary right of sovereignty, shall hold and possess perpetually all the lands, regions, islands, colonies, and dominions in the Western Indies that they hold and possess at present in the name of the British King."

Pray, tell what clearer distinction or more particular demarkation of limits does the Court of London wish to find in the treaty

than the possessions of each nation in the year 1670? If Great Britain had possessed more land toward the south of Charleston, or less toward the north, there could never have been any controversy or doubt concerning the boundaries, for their limits are explicitly defined in that document, with the concession of the lands that they held, expressed in those words: "which they hold and possess at present in the name of the British King."

36. One can do no less than ask England to observe that in case the words of the article were not so express and clear (which is not possible) by virtue of which there might be some reason for doubt as to the limits, it ought not to be supposed that this defect would concede to Great Britain greater right than to Spain, for there is no title or prerogative by which it might claim preëminence. On the contrary, bearing in mind, as one should, the generic nature of the beginnings and the origin of the basic right of acquisition or first occupancy acquired by his Catholic Majesty to all the Western Indies, all dispute would cease. For any territory that might not be clearly defined ought to be adjudged favorably to the Crown of Spain, and not to

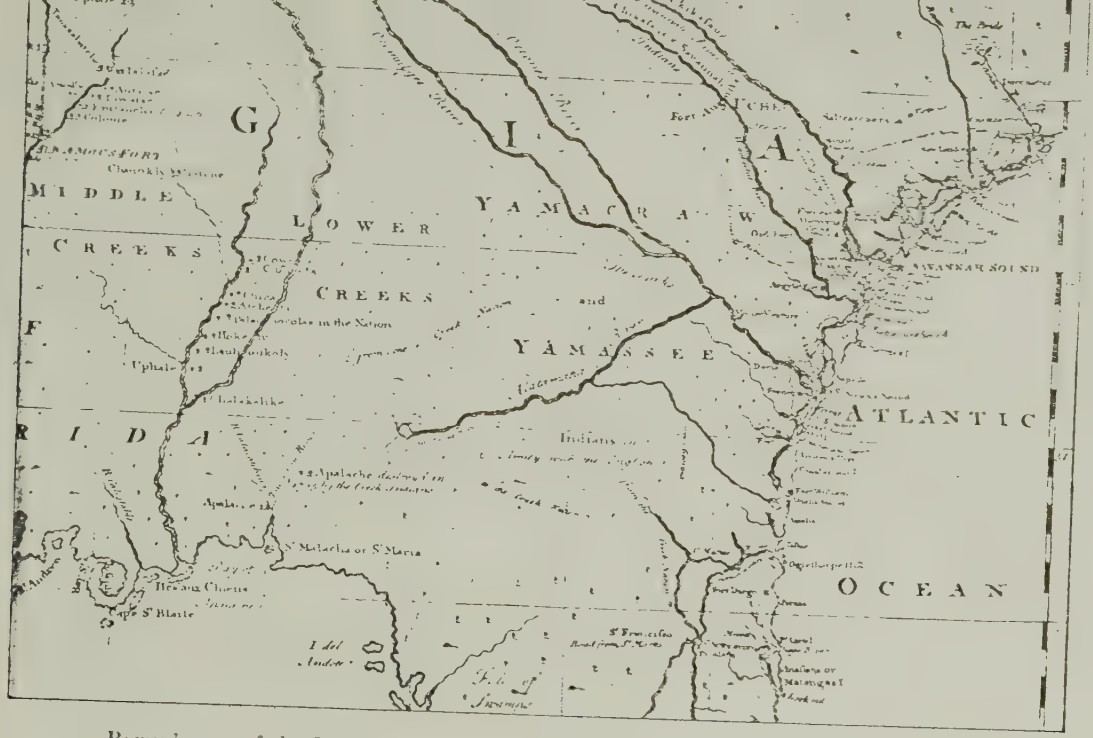
England, who would not have in her favor the least presumption or foundation for this adjudication.

37. In consideration of such powerful reasons, it is strange that the British Minister should deduce from the treaty conclusions so incompatible as to say farther on in the quoted letter of the Duke of Newcastle that, "from the words of the said treaty it is inferred that the predecessors of his British Majesty were not only in possession of the region which bears the name of South Carolina before the conclusion of the treaty, but also of the part of the said province now called Georgia, and that they had also granted to their subjects before the said treaty was made the country between 36° 30′ and 29° north latitude, inclusive, which comprehends not only South Carolina, but also all the province and country called Georgia, which has always been held since then as part of South Carolina by the subjects of his British Majesty, by virtue of the patents which have been granted to them, and the boundaries which are indicated here have been publicly recognized and always acknowledged." And the minister added that care had been taken that the letters

patent granted by his sovereign to the Company of Georgia in the year 1732 should not cover a greater territory than those granted by the predecessors of his Majesty to his subjects.

38. A fine way of arguing, indeed! There is no person living who could be convinced by such arguments, or who would not freely say that the treaty in no way prescribed such conditions that terms for the boundary may be drawn from them. For there is not a word in the whole of it that can lend the least support to the statement that "the predecessors of his British Majesty were in possession not only of the dominion that bears the name of South Carolina before the conclusion of the treaty, but also of the part of the said province now called Georgia."

On the contrary, it definitely points out the limits that ought to be enjoyed by each one of the nations in the words, "that the sovereigns of Great Britain, their heirs, etc., shall possess and hold perpetually all the lands, etc., that they hold and possess at present in the name of the British King;" which is certainly the same as saying that those which they did not have and possess before the conclusion of the



Bowen's map of the Georgia country, 1748. From Harris, *Voyages and Travels*, vol. II.

treaty they could not and ought not to hold afterward.

39. For Great Britain to pretend to some show of right to the territory which she is now occupying under the name of Georgia, it would not be sufficient merely to demonstrate that it was deserted and unoccupied by any kind of inhabitants since before the year 1670. Besides this, two impossible things should be alleged and proved in order that the possession conceded by the agreement of Article 7 might fall with some legality to the British Crown, as that of the other regions fell to it. One is that England held and possessed it before the treaty; the other is that the Spaniards were not the owners and inhabitants, as they really were, in the year of its ratification.

40. In addition to these attempts, so contradictory to each other, it would also be necessary to show that the dates of the patents issued to the Company of New Georgia were anterior to the year 1670, and not sixty-two years after its ratification. But since all the world knows that they were granted in 1732, how can the British Minister, without causing astonishment and amazement, draw the inference that "the predecessors of

his British Majesty were in possession of the dominion called Georgia before the conclusion of the treaty?" The inconsistencies are manifest in themselves.

41. No one can fail to see that it would be necessary for the English subjects who were living in this territory to have the gift of invisibility, and the need to live incompatibly incorporated with the Spaniards who dwelt in it until the year 1702 without any one knowing of their presence; and that they must have removed to some other place after the formation of the Company of Georgia. For it is evident and notorious that this province has not had, and has not now, any other inhabitants than those that Oglethorpe brought with him to settle it, and those which the said Company has subsequently sent.

42. The British Minister tries to draw the inference from the treaty "that the predecessors of his British Majesty had granted to his subjects before it was ratified the country between 36° 30′ and 29°, inclusive, etc." Laying aside all the proofs given to the contrary, but granting how improbable this would be if the subjects of Spain were actual owners of it, as they indeed were, it should be

replied that in none of the articles agreed upon is there a word or expression to be found which gives any indication that the Court of Spain had had any notification whatever of the concessions he speaks of, or that his Catholic Majesty had recognized or consented to the fixing of the limits in accordance with the patents of Great Britain, much less that the province and country called Georgia had always been possessed as a part of South Carolina.

43. Those words in Article 7, "shall hold and possess perpetually all the lands, regions, islands, colonies, and dominions in the Western Indies under the name of the British King," refer, clearly and expressly, only to what his vassals held and possessed as such occupants, and do not in any manner concede to Great Britain the countries which in his imagination he had granted to his subjects by his patents, both because these patents did not constitute possession, and because the Court of Spain was totally ignorant of them. And it is not possible to imagine that his British Majesty would have given to his vassals possession of territory to which he had no right, and over which the Spaniards had enjoyed full do-

minion for more than one hundred years previously.

44. It is certain that in order to prevent the Spaniards at any time from disputing with England the possession of the country under discussion, it would have been necessary to have in the treaty between the two courts stipulations like the following: "that the sovereigns of Great Britain, their heirs, etc., shall possess and hold perpetually *not only* all the lands, etc., that they now hold under the name of the British King, *but also those to which patents may previously have been given to his vassals as far as 29°, inclusive*," and to have added at the same time "*notwithstanding that they may be inhabited by Spaniards.*" In this way, indeed, England would possess with legal title of ownership the province of New Georgia, and his Catholic Majesty would have no right to insist upon the just claims upon which he is now insisting. On the contrary, as soon as the treaty was ratified it would have been necessary for him to give orders to his subjects to demolish the old fort of Santa Elena and remove themselves from the province of Guale, in which they were living in the year 1670. And then the city of San Agustín

and the rest of the Spanish settlements as far as Mosquito Inlet, inclusive, being comprehended within the 29th degree, would, by force of the treaty, have had to be evacuated, in order to leave the English in full possession of their jurisdiction. These circumstances did not exist, nor should they have existed, for the conditions were totally lacking in the treaty under which they would have been prescribed, and which would have been necessary in order that Great Britain should have the power that is requisite in a Prince to concede patents to his subjects to settle dominions which neither directly nor indirectly belong to him.

45. Not less pertinent to the subject is the palpable inconsistency into which the Duke of Newcastle found it necessary to fall in his letter already quoted. In his attempt to deprive the Crown of Spain of its right, in order to argue in favor of his court, he did not scruple to say: "that in the treaties of the year 1670 and that of Utrecht in 1713 there is no description or particular designation of the limits of the said provinces." And in the next paragraph, wishing to draw the inference from the treaty of 1670, that "the predeces-

sors of his sovereign not only were in possession of the region which bears the name of South Carolina before conclusion of the treaty, but also of the part of the said province now called Georgia," he freely states that "the limits indicated here have been publicly recognized and always agreed to." Therefore, it is easy to see that the Court of London, being obfuscated, and not knowing how to combine at once a negative and an affirmative into one proposition, asserts in its own favor the very thing it denies, and inadvertently denies, on the other hand, the very thing it admits, without seeing that its self-contradiction convicts it of its own lack of logic.

46. There is no doubt that if Great Britain now has legal rights of ownership over the country under discussion, it would have had the same rights in the past century and in the preceding one, both because the Spaniards have never held possession of any territory that has not been theirs by absolute ownership, and because the English would know when and how they had acquired it. In that case, when these controversies began, which perhaps would not have occurred, they would have been quickly terminated

through exhibition by Great Britain of her legal titles, such as would have the necessary force not only to satisfy the world, but also to set aside the true right of the Crown of Spain by obscuring the deeds of her subjects and proving false the original discoveries of the Spaniards as far as 36° 30′ made by Juan Ponce de León, by the elder of his two sons, by Lucas Vásquez de Ayllón, by Pámphilo de Narváez, by Hernando de Soto, and by Don Tristán de Luna. In such a view the Spanish conquests, which were made with so many hardships, such effusion of blood, and the expenditure of great fortunes, by Pedro Menéndez Marqués and his successors, of all the lands as far as Santa Elena, with the settlements and forts which they built, on the coasts as well as in the interior, were mere inventions. The physical and actual possession by the Spaniards of Santa Elena and Santa Catharina from the year 1566 up to 1686 and of the province of Guale up to 1702 was but a dream. The evident and well-established plots of the English of Carolina against their Spanish neighbors, practiced by themselves and the Indians, their allies, were chimeras; and, the treaties of Madrid made

in 1670 and 1721, and that of Utrecht in 1713, being useless, it would have been nonsensical of the Court of Spain to give orders to its governors for the recovery and conservation of its dominions, by force or by good will, and to its ministers for the official communications that they were to present in the Court of London in regard to these matters. All the documents, occurrences, and acts which fully justify the right of the Crown of Spain would be null, imaginary, and suppositious. On the other hand, that of the British Crown would be established and legitimate, solely because upon its word, without other authority, power, or justification than that of *Sic volo sic iubeo*, the decree of gift by Don Carlos II would be true, regardless of the fact that if England had legal right she would not need it, and that if it existed it would not be hidden. It would be true that up to the year 1702 the Spaniards inhabited the district of Guale, now contained in Georgia, and that the English were in possession of it at the same time, even though in the year 1724 it was only forty years since they had begun to trade with the Indians of Tamaja River. It would be true that the predecessors of his British Majesty had granted to his subjects the regions as far as 29° before the treaty

of 1670, notwithstanding that those of his Catholic Majesty were inhabiting them. The doubts of the British ministry in regard to the matter would become certainties, notwithstanding its need of a report from Nicholson and from the Council of Carolina for its information. The right acquired through the imaginary exploration of Cabot, sustained ninety years afterwards by Drake, would be unassailable, solely because the former came in sight of land at 60° and farther north, and because the latter, for different purposes and other reasons, went to America, sacked Santo Domingo and Cartagena, burned San Agustín, and returned to England with 60,000 pounds sterling in spoils. It would be clear that in the treaty of 1670 there is no description of boundaries touching upon the rights of his Catholic Majesty, while there is such regarding those of his British Majesty, for the British ministry extends its power to the impossible, reconciling two self-contradictory facts. Injustice would be equity. The violation of the sanctity of laws and the rights of peoples would be friendship. And, finally, the proved usurpation of his dominions would be a wish on the part of the British King to please his Catholic Majesty.

LETTER OF TRANSMITTAL.

MOST ILLUSTRIOUS SIR,

MY DEAR SIR:

The accompanying paper which I enclose makes clear the rights and limits which should be recognized and established for the territory of the province of San Agustín in Florida. It was prepared at my orders by Second Engineer Don Antonio de Arredondo, in accordance with the truth concerning the deeds and events of the time, without any possibility that the smallest circumstance can be disputed or the least error noted. It has seemed to me proper to place it in the hands of your Illustrious Lordship, in case it may in any manner contribute to the fullest knowledge, and dissipate any doubt or dispute however small that may result from ill-founded understanding or malicious intention, so that whatever occurs may be judged according to what is described in it, and his Majesty may be informed of his legal and rightful ownership of these provinces.

May God preserve your Illustrious Lordship many years, as I desire. Havana, April 4, 1742. Most Illustrious Sir, your most humble servant kisses the hands of your Illustrious Lordship.

Don Juan Francisco de Güemez y Horcasitas. (Rubric.)

Most Illustrious Señor Don Joseph del Campillo.

Duplicate.[83]

DEMOSTRACION HISTORIOGRAPHICA DEL DERECHO DE ESPAÑA A NUEVA GEORGIA

DEMOSTRACION HISTORIOGRAPHICA

del derecho que tiene el Rey Catolico á el territorio que oy posee el Rey Britanico con el nombre de Nueva Georgia en las Provincias y Continente de la Florida, en la que se prueva el dominio positivo que tiene el Rey de España hasta la latitud septentrional de 32 grados 30 minutos inclusive, en que se halla la barra de la Isla de Santa Elena, termino por el qual se deben arreglar los limites de las respectivas posesiones en esta parte de mundo entre la Florida y la Carolina.—Havana y Marzo 20 de 1742.

INTRODUCCION

Es punto innegable que la noticia del nuevo mundo fué comunicada por Don Christoval Colon el año de 1492, á quien no puede usurparse la gloria de primer descubridor, vajo la proteccion áuspicio, patentes, y á expensas de los Reyes Catolicos, Don Fernando y Doña Isavel de gloriosa memoria, y que los viages que hicieron los Noruegos, Dinamarqueses, Ingleses, Suecos, Olandeses, Bretones y otros subcedieron despues que los Spañoles participaron el descubrimiento de las Indias Occidentales, principio por el qual pudiera quedar probado de una vez que todos sus dominios pertenecen lexitimamente al Rey Catolico, por las mismas razones que algunos Ingleses alegan á favor del derecho que pretenden tener sobre el Continente de la Florida hasta los 29 grados, atribuyendolo al descubrimiento que hizo Sevastian Gaboto, Veneciano (hijo de Juan á quien Henrrique Septimo, Rey de Inglaterra, dió patente el 5 de Marzo del año de 1496, para que fuese á descubrir tierras á las partes septentrionales de las Indias Occidentales), solo por que (sin haver puesto pie en ella) llegó á ver la tierra del Labrador en 67 grados 30 minutos de Latitud: de manera que asi como los Ingleses fundan sus pretensiones en

el citado mental descubrimiento de esta parte, haviendo sido (como verdaderamente fué) quatro años despues del que hizo realmente Don Christoval Colon; con quanta mayor razon y justicia por este propio derecho, habiendo sido los Españoles los primeros, deven ser dueños del todo, siendo como es la Florida tierra firme con los Reynos de Nueva España; pero dejando aparte esta notoriedad, siendo el objeto principal de esta demostracion poner directamente en claro la legitimidad del derecho que tiene el Rey de España á el Territorio ó Provincia de Gualé, que de poco tiempo á esta parte indevidamente ocupan los Ingleses con el nombre de Georgia, prestese toda la atencion á la verdad de los echos y á las naturales congeturas que los mismos sucesos ofrecen por pruevas y argumentos en contra de la mala inteligencia de unos, convencida malicia de otros, y equivocaciones de muchos; medios que han servido á la nacion Inglesa para desfraudar á España parte de su legitimo dominio, siendo disculpable en el autor el desaliño del estilo, tanto por la cortedad de su alcance, como por haver puesto todo el cuidado en la desnudez de la verdad, que tal vez con los accidentes de la elocuencia suele variar de su substancia.

CAPITULO 1°

RELACION SUBSINTA DEL DESCUBRIMIENTO DE LA FLORIDA POR LOS ESPAÑOLES

1. *Descubrimiento de Juan Ponce de Leon:** Es hecho constante que Juan Ponce de Leon, habiendo armado á su costa tres navios en el puerto de San German de la Isla de Boriquen ó Puerto Rico, de adonde habia sido governador, se hizo á la vela el 3 de Marzo del año de 1512, y el 27, dia de Pasqua de Resurreccion, avistando la tierra á que puso el nombre de Florida, tanto por haverla descubierto en dia de Pasqua Florida como por la apacible, amena y hermosa vista de sus arboledas; despues de costeada en busca de puerto, dió fondo en la costa cerca de la punta ahora llamada Cavo Florida ó Caveza de Martires,† y saltando en tierra á principios de Abril, el

* Por Don Gabriel de Cardenas Cano, en su *Ensayo Chronologico para la Historia General de la Florida*, Decada 1ª.

† Punta mas meridional del continente de la Florida, en 25 grados de latitud, y entrada del sur de la Canal de Bahama, habitada por Indios Tequestas, que recibieron de guerra á Juan Ponce, á los que Pedro Menendez visitó muchas veces y redujo á la fee Catholica, en la que con el tiempo se relaxaron, y á la devocion del rey de España, en la que se han mantenido y mantienen.

dia 8 tomó posesion de ella en nombre del Rey, á quien informó de las calidades del pais que havia reconocido, y ofreció poblarlo dentro de un año.

En cuya consecuencia S. M., atendiendo al merito de primer descubridor, le concedió sus despachos y patentes de Adelantado el año de 1513; y habiendo Juan Ponce sido rechazado de aquellos Indios el año de 1521, con grande perdida de sus Españoles, herido mortalmente se retiró á la Isla de Cuba, adonde falleció; y el mayor de sus dos hijos, Don Luis, fué nombrado en premio de los servicios del padre por su subcesor en el empleo de Adelantado de la Florida por el Emperador Carlos Quinto.

2. *Viage de Lucas Basquez de Ayllon:** Es evidente que, arrojado por una tempestad el año de 1520 á las costas de la Florida, Lucas Basquez de Ayllon, oidor de la Audiencia de Santo Domingo, reconoció todas aquellas tierras, desembarcando varias veces en distintos parages, y en particular en las provincias de Chicora† y de Órista, á cuya jurisdic-

* *Ensayo Chronologico* de Cardenas, Decada 1ª.

† Territorio en que se hallan oy fundada la Carolina del Sur, ó Carlos toun, en 33 grados, de adonde Lucas Basquez sacó con engaño ciento y treinta Indios, llevandolos al trabajo de las minas de Santo Domingo, con grande indignacion del Cacique Dâtha y de los suyos.

cion puso por nombre Santa Elena,* por haverla descubierto en su dia; y habiendo pasado á España, y pretendido las gracias de la conquista y poblacion de la Chicora, dando noticias del pais que havia visto desde 32 hasta 37 grados de latitud septentrional, de su situacion, frutos y costumbres de los naturales; el Rey le hizo las mercedes que pedia el año de 1521; y habiendo dado principio á su establecimiento, cuando empezava á gozar pacifico del fruto de su jornada, confiado de las caricias y alagos que con paz fingida recibia de los Indios, le asaltaron alevosos una noche, con tanta furia que fué obligado con perdida considerable de los suyos á restituirse á la Isla Española, adonde murió el año de 1524.

3. *Viage de Pamphilo Narváez:*† Pamphilo Narvaez, habiendo hecho asiento con el Rey de España de descubrir tierras desde el Rio de las Palmas ‡ hasta la costa oriental de la

* Parage que Juan Ribaut escojió para la primera poblacion que hizo con el nombre de Carolina en honor de Carlos Nono, Rey de Francia, que despues abandonó totalmente, y en que como una legua adentro de la boca, en 32 grados, 30 minutos, Pedro Menendez Marquez erigió la poblacion de Santa Elena y castillo de San Phelipe.

† Cardenas, Decada 2ª.

‡ En la provincia de Panuco.

Florida, obligandose á poblarla, se le mandó despachar titulo de Adelantado de todo el distrito.

En cuya atencion, salió de San Lucar con cinco navios, seiscientos hombres, y algunas familias, en 17 de Junio de 1527; y llegado á la Florida, dando fondo en la bahia que llamó Santa Cruz,* en 4 de Abril de 1528 saltó en tierra, y en nombre del Rey tomó posesion de ella con la mayor solemnidad, pero fueron tantas las miserias que padeció y las hostilidades de los Indios que experimentó que hubo de abandonar la empresa.

4. *Descubrimiento de Hernando de Soto:*† Es notorio que Carlos Quinto hizo merced á Hernando de Soto de la conquista de la Florida, con titulo de Adelantado y Marques de un estado de treinta leguas de largo y quince de ancho, en la parte que quisiese señalar de lo que conquistase, y para durante su vida de los goviernos y capitanias generales de la Florida, é Isla de Cuba a un tiempo; que con estos

* En la Ensenada de Mexico, en 29 grados 40 minutos, á la que Don Tristan de Luna llamó Santa Maria el año siguiente de 1558, á que el entonces Almirante Don Andres de Pez añadió el apellido de Galvez, por el Conde de Galvez que era Virrey de Mexico, quando se pobló y fortificó en el año de 1693.

† Por el Inca Garcilaso de la Vega.

cargos salió de San Lucar el 6 de Abril de 1538, con diez navios y mil nuevecientos y cinquenta hombres, con los que llegó á Santiago de Cuba; y despues de tomada posesion del govierno, pasando á la Havana y dexando las providencias á su Teniente de Governador Juan de Rojas, se hizo á la vela con su armada en 12 de Mayo de 1539, y habiendo llegado á una bahia que llamó del Espiritu Santo* el primero de Junio, el dia 2, con la mayor solemnidad, tomó formal posesion de la Florida, en nombre del Emperador Carlos Quinto; y pasando á tierra dentro, descubriendo poblaciones, venciendo y reduciendo ejercitos de Indios, ya por armas, ya por agrados y agasajos, transitó por las provincias de Hirihigua,† Muscoso, Urrivarracuri, Acuera, Ócali, Óchile, Vitachuco, Ósachile, y llegó á la de Apalache; la reconoció toda, y saliendo de ella prosiguió su descubrimiento al norte, en las provincias de Altapaha, Chalquies, Cofa,‡ Cofaqui, Cofachiqui, Guajule, Ychiaha, Coza, Jufala, Talapuz, y Movilla; de aquí marchó á

* En la Ensenada de Carlos, en 27 grados 45 minutos.

† Por Garcilaso de la Vega y por Guillermo de Lille.

‡ Region la mas al norte que pisó Hernando de Soto en 35 grados 40 minutos.

las de Chatas, Chicaza, Añilco, Casquin, Capha, Quiguate, Colima, Tule, Vtiangue, Naguatex, Guacane, y Guachoya, en donde el 27 de Junio de 1542 murió, dejando el cargo de governador y capitan general del Reyno y Provincias de la Florida á Luis Moscoso de Alvarado, entre tanto que S. M. ordenase otra cosa.

5. En el año de 1558 Don Luis de Belasco, Virrey de la Nueva España, tubo orden de Phelipe Segundo para embiar á poblar la Florida, en cuya consequencia dispuso una armada de 13 navios, abastecida de todo lo necesario, nombrando por capitan general de ella y de la Florida á Don Tristan de Luna, quien saliendo de Veracruz, despues de un mes de navegacion, llegó con toda su armada, dió fondo en un puerto que llamó Santa Maria, y tomó tierra; descubrió varias provincias hasta llegar á la de Coza,* manteniendose en ella hasta que por justos motivos el Virrey mandó orden que se retirase con toda su gente, como lo executó el año de 1561.

6. Por los principios hasta aquí expuestos se verifica quan indisputables son los derechos de los reyes de España al Continente de la

* Es donde havia estado Hernando de Soto.

Florida, asi por que los expresados descubrimientos fueron executados á sus reales expensas y por ordenes dadas á vasallos suyos, como por que ninguna nacion estrangera tubo la menor parte en ellos; y por no ser necesarias otras pruebas, ni otros instrumentos para autorizar hechos tan sabidos, se omiten, porque quien quisiere obscurecerlos debe presentar materiales que tengan suficiente fuerza para convencer al mundo de lo contrario.

CAPITULO 2°

DE LA CONQUISTA Y POBLACION DE LA FLORIDA POR LOS ESPAÑOLES

1. *Entrada de los Franceses en el territorio de la Florida:* Habiendo llegado á noticia del Almirante de Francia, Gaspar Coligni, caveza y protector de los hereges, lo ameno y fertil del pais de la Florida, motivado de su codicia, en nombre de su Rey (quien ignoró la expedicion, no siendo presumible que permitiese usurpar dominios del Rey de España quando actualmente le ayudava con tropas Españolas é Italianas, con su autoridad, y dinero, á sugetar. á los hereges, que tenian inquieto y agitado el Reyno de Francia) dió patentes á Juan Ribaut y le despachó á que ocupase la Florida, con dos navios proveidos de viveres, municiones, y soldados Hugonotes; saliendo del puerto de Diepa el 2 de Febrero de 1562, despues de dos meses de navegacion llegó á la vista de tierra en la latitud de 29 grados poco mas ó menos; y costeando al norte entró por un rio á quien llamó Mayo*, recivido de paz de los Indios,

* Dista 12 leguas al norte de San Augustin, el que despues se llamó de San Juan, que es el nombre que hoy tiene en 30 grados 26 minutos.

levantó una coluna, en que fijo las armas del rey de Francia; de aquí pasó mas al norte, entrando y saliendo por las barras y rios.* Estableció al fin un fuerte en la Provincia de Orista, en el Puerto de Santa Elena, en 32 grados 30 minutos, con el titulo de Carolina, por su Rey Carlos Nono de Francia que reynava; y dejando por governador de el á Alberto Ribaut y veinte y seis hombres, se hizo á la vela con el resto para Francia, con Renato Laudanier su segundo, con animo de bolver con mas gente y provisiones, para descubrir toda la provincia de Chicora, que tantos años antes habia visto y hollado Lucas Basquez de Allyon, como se ha visto en el capitulo primero, parrafo segundo.

2. *Abandonan los Franceses la Poblacion:*† Alberto Ribaut, durante la ausencia de Juan, fué muerto violentamente por los suyos, amotinados contra el por que no tratava de abandonar el pais, en el que por la tardanza de socorros de Francia eran tantas las calamidades que padecian, que Nicolas Barri, elegido de los suyos en lugar de Alberto, obligado de la

* Puso nombres de otros de los Reynos de Francia, y al mayor el de Puerto Real, á que Lucas Basques de Ayllon quarenta y ocho años antes habia intitulado Santa Elena.

† Nicolas Defer.

miseria, desamparó la tierra, gran parte de los quales murió infelizmente en el viage, en el que hubieran perecido todos á no haver encontrado con un Ingles que los condujo, parte á Inglaterra, y parte á las playas de Francia, adonde al arribo de Ribaut no halló que sediciones, tumultos, sacrilegios, y desventuras, ocasionadas por los Hugonotes, que tanto aflixian y molestaban aquel Christianisimo reyno, de modo que ni el Almirante podia acudir á Ribaut con lo necesario para que bolviese á la empresa, ocupado en otras mayores, ni este proseguir lo empezado.

3. Las confusiones que se han ocasionado con el nombre de Carolina que puso Ribaut á la poblacion que hizo en este rio que llamo Puerto Real, y Lucas Basquez Santa Elena, antes de pasar adelante es conveniente queden aclaradas, afin de que las equivocaciones en que algunos estrangeros se hallan, no sirvan de pretexto á la controvercia, formando articulo para el retardo de la conclusion, que aproveche á la nacion Inglesa, como ha subcedido hasta aquí.

4. El titulo de Carolina puesto por Ribaut el año de 1562, sin contradiccion, no fué á las provincias y regiones comprehendidas entre los 29 gs. y 39 gs. de latitud á que dichos

estrangeros sin reflexion lo extienden; bien si, meramente se lo aplicó á la unica pequeña poblacion que dejó á cargo de Alberto; pues, pulsando prudentemente el hecho, con veinte y seis Franceses solamente, inclusos el governador, era imposible abrazar tantas provincias.

5. Puede ser sin duda que la intencion de Ribaut y del Almirante Coligny seria de apoderarse de todo el pais expresado, pero los accidentes que impidieron la practica, juntamente el abandono que Nicolas Bari fué obligado á executar, manifiestan claramente que no la consiguieron; de suerte que este nombre de Carolina empezó y acavó en si mismo en el discurso de un año, en cuyo tiempo tan corto no es dable que tan pocos Franceses extendiesen su dominio á tantas jurisdicciones, porque aunque hubieran sido muchos, y no les hubieran faltado las providencias y disposiciones necesarias (como faltaron en un todo), medios indispensables para una empresa que por su naturaleza pedia la conquista y poblacion de tan vastas y dilatadas tierras, nunca era factible conformasen las obras á los deseos; en cuya atencion, deben desengañarse los que han estado en distinta inteligencia, mayormente poniendo atencion á los hechos que se siguen.

6. Gaspar Coligni, algo desembarazado de sus injustos cuidados, no escarmentando con el mal subceso anterior de Ribaut y de los suyos, mandó á Renato Laudanier bolviese á la empresa; con tres navios, de ciento y veinte toneladas el uno, de ciento y de sesenta los otros dos, se hizo á la vela del puerto de Abra de Gracia el 22 de Abril de 1564; y habiendo llegado al Rio de Mayo, ó de San Juan, el 20 de Junio, formó en las Barrancas de San Mateo* una poblacion, y erigió un fuerte á el que llamó Charlefort, y sin hacer mencion alguna del nombre de Carolina del anterior establecimiento.

Ya plantados en San Mateo, se mantenian los Hugonotes sin hacer otra cosa que solicitar comercio y amistad con los Indios de la comarca, y con dadivas y agasajos procurar las noticias de adonde sacarian oro y plata.

7. Al mismo tiempo el Rey de España habia dado titulo de Adelantado á Pedro Menendez de Auiles, con las mismas preeminencias y calidades que gozan los de Castilla, despachos de la posesion de 25 leguas en quadro de lo descubierto y poblado,

* Situada tres leguas de rio adentro en la orilla de la parte del sur, distante tambien 12 leguas de San Augustin, en 30 grados 26 minutos.

y titulo de Marques para si y sus herederos, patente de Governador y Capitan General de la Florida y sus provincias, con dos mil ducados de sueldo, y el honor de General de la Armada de la Conquista de la Florida; y estando Pedro Menendez pronto para partir con las proviciones necesarias de gente, familias, viveres y demas utensilios al intento, se tubo en España la noticia de que los Hugonotes Franceses se habian establecido allí.

8. El Catolico celo del Rey, siempre atento á la dilatacion del Santo Evangelio en las Indias, primero y principal objeto de su cuidado, considerando las perniciosas resultas de una colonia tan opuesta, ademas de la notoria usurpacion del derecho á dominios anteriormente descubiertos por sus vasallos en su real nombre, inmediatamente agregados de orden del Rey quinientos hombres y navios de su Real Armada, artilleria y municiones de guerra y boca, á la gente y provisiones que ya tenia prontas Pedro Menendez para su empresa, y las que debia tomar en las islas de Puerto Rico, Santo Domingo y Cuba (á cuyo fin S. M. habia anticipado ordenes á sus governadores) mandó pasase á desalojar de sus reales dominios á los Calvinistas.

9. Salió Pedro Menendez de la Bahia de Cadiz con una armada compuesta de treinta y quatro navios, y dos mil seiscientos quarenta y seis Españoles, y padres de distintas religiones, en 29 de Junio de 1565; el 28 de Agosto descubrió la tierra de la Florida, y el siete de Septiembre entró en un puerto á que puso nombre de San Augustin.* El dia 8 mandó cantar Misa solemne de Nuestra Señora, y repitió el acto de posesion de aquel continente en nombre del Rey, tomando juramento de fidelidad á sus capitanes y oficiales.

10. Ya Pedro Menendez estava informado de como el fuerte de Charlefort distaba de San Augustin doce leguas al norte, y que á los Franceses les havia llegado socorro de navios y gente vajo la conducta de Juan Ribaut.

11. Instruido de todo, convocó á consejo de guerra á sus oficiales, y proponiendoles quan conveniente seria marchar sin perdida de tiempo por tierra y atacar el fuerte á sangre y fuego, en cumplimiento de las ordenes de S. M., atento á la justicia de su parte y á la sin razon con que los Calvinistas, enemigos de la Religion, estaban indebidamente poblando en

* En 29 grados 50 minutos, residencia que siempre ha sido de los governadores y capitanes generales de las provincias de la Florida sugetas á España.

dominios del Rey de España, olvidados de su descanso aquellos invencibles Españoles acordemente resolvieron la marcha por tierra.

12. *Extirpacion de los Franceses:** Nombrada la gente correspondiente para la funcion, y prevenido todo lo necesario, se puso en practica; de modo que á los quatro dias (vencidos los impedimentos del mal camino y llubias, avistado el fuerte Frances) lo atacaron con tal impetu que dando Pedro Menendez calor á los suyos con el exemplo, obrando con la espada lo que infundia la voz, en pocas horas, arboladas las vanderas Españolas, se hicieron dueños del Fuerte de Carlos, ó Charlesfort, y de la poblacion, y cesó la batalla por que faltó quien resistiese, pues no dejaron Frances á vida, á reserva de setenta personas entre mugeres niños y mozos de hasta quince años que por vando del General Menendez quedaron vivas, y de Renato† que con veinte y seis de los suyos pudo, arrojandose por la muralla, tomar una embarcacion de las que estaban en el rio, en que fugitivo se volvió á Francia.

* Cardenas, por el Memorial del Doctor Solis de Meras, que se halló entre sus papeles de las jornadas, subcesos, y conquista de la Florida del Adelantado Pedro Menendez de Aviles, su cuñado, á quien acompañó en la expedicion.

† Nicolas de Fer.

13. Extinguidos los Franceses, Pedro Menendez mudó el nombre del Castillo Charlefort en el de San Matheo, por haverlo ganado en su dia; y quitando las armas de Francia y del Almirante Coligni, colocadas en su lugar las de España, nombró al Sargento Mayor Gonzalo Villarruel por governador del; y dejandole trescientos hombres y todos los viveres que se habian encontrado, se bolvió con el resto de la gente á San Augustin.

14. Despues de haver elegido justicia y rejimiento, y nombrado á su hermano Bartolomé Menendez por alcalde, trazado el castillo que se habia de construir, dadas las disposiciones para el fin, despachó un navio á España con la noticia al Rey de lo acaecido hasta entonces.

15. Salió al mar, y costeando la tierra en buelta del sur, llegó al Rio de Ys* en 27 grados 30 minutos, en donde convocados los Indios de la comarca que le recivieron de paz, estableció poblacion y un fuerte, quince leguas mas al sur, á quien llamó Santa Lucia, dejando en el al Capitan Juan Velez de Medrano con doscientos hombres; de aquí paso á la Havana á entender en las providencias que necesitava

* En la Canal de Bahama.

para la continuacion de la empresa; y haviendo el dia 10 de Febrero de 1566 salido otra vez para bolver á San Augustin con siete navios, gente y provisiones, de paso llegó á la Provincia de Carlos; y entrando en la bahia de este nombre,* estrechó alianza con el Cacique y los suyos, y dejó preparados los animos de aquellos Indios á recivir el Santo Baptismo y á ser vasallos del Rey de España, lo que consiguió al año siguiente; pues, bolviendo á ella, no solo dejó en esta provincia dos padres Jesuitas, con Francisco Reynoso y quarenta soldados, sino en las de Tocobaga y Tequesta, sus inmediatas, otros treinta, al cargo de capitanes, con sus casas fuertes en cada una.

16. Despues, bolviendo á San Augustin y á San Matheo, embarcó mas gente, y pasó á las provincias de Gualé y Órista; fué recivido de paz de los Indios, los que á persuaciones del Adelantado adoraron la Santa Cruz y confesaron la fee Catolica, haciendo lo propio á su imitacion las demas naciones del contorno;

* En la Ensenada de Mexico, en 26 grados 15 minutos. El Cacique de esta provincia havia 20 años que se llamaba Carlos, por haver sabido de algunos Españoles, naufragados en aquella inmediacion, que Carlos Quinto era el mayor rey del mundo, y creia que tomando su nombre se igualava en la magestad y poder.

tomó posesion en Órista en el Puerto de Santa Elena, en 32 grados 30 minutos, cinquenta leguas al norte de San Augustin; mandó construir un castillo que llamó San Felipe,* á instancia y ruego de los Indios, dejando á Estevan de las Alas por governador de el y de la provincia, con ciento y diez hombres, y religiosos que enseñasen la doctrina Cristiana.

17. En Junio de 1566 llegó á San Augustin el General Sancho Arcienega† con diez y siete navios, mil y quinientos hombres, muchas armas, viveres (que el Rey embiava de socorro), sacerdotes y familias, con cartas al Adelantado Pedro Menendez aprobandole S. M. todo lo executado, ordenandole prosiguiese, y dandose por bien servido de la justicia hecha contra los Franceses Hugonotes que habian intentado establecerse en sus dominios sin regia facultad, para sembrar su perversa secta contra todo el servicio de Dios y de Su Magestad.

18. Hallandose la conquista de la Florida en este estado, Pedro Menendez empleó el resto del año de 1566 en reconocer distintas

* Que antes fué la Carolina nombrada por Ribaut, extinguida despues de si misma.

† Cardenas, Decada 6ª.

provincias, reduciendo Gentiles á la adoracion de la Santa Cruz y al vasallage de España; examinó rios, puertos y barras, de suerte que, desde la Bahia y Provincia de Carlos hasta Santa Elena, en la Costa Oriental en 32 grados 30 minutos, tenia á la devocion del Rey todas las provincias y lugares de Indios sus havitadores, ajustado paces con ellos, y erigidas poblaciones de Españoles, en San Augustin, San Matheo, Santa Elena, Santa Lucia, Tequesta* Carlos, Tocobaga, sin otra que (de su orden) Juan Pardo habia plantificado al pie de la Sierra en la provincia del Cacique Coava,† todas al cargo de capitanes y oficiales de conducta, con numero de tropa proporcionada y de religiosos que, enseñando á los Indios la doctrina Cristiana y predicando el Evangelio, con su actividad desterraban los errores del gentilismo, que era el fruto á que la piedad del Rey aspiraba.

19. *Imbacion de la Poblacion y Castillo de San Matheo de Domingo Gurgio*:‡ Mientras el Adelantado Pedro Menendez estaba en la Corte de Spaña en solicitud de los medios

* Provincia que ahora llaman de Indios Costas.

† Ciento y cinquenta leguas al norte, tierra dentro.

‡ Morery, en la palabra "Florida."

conducentes á la perfeccion de la conquista espiritual y temporal de la Florida que habia dejado tan adelantada, indignados los hereges de Francia, tanto por el destrozo que los Españoles habian hecho en Ribaut y sus compañeros, como del desprecio con que su corte recivia las quejas que representavan contra Menendez, procuraron con invenciones odiosas conmover á los secretarios, hasta que Domingo Gurgio (ayudado en secreto, echando voz que bolvia al Bracil) armó tres navios con doscientos soldados, y por Agosto de 1567 se hizo á la vela; y habiendo llegada á la costa de San Matheo, desembarcó quince leguas mas al norte, de adonde, coligado con el Cacique Saturriva, movido á codicia de las dadivas de Gurgio, con su gente incorporada con los Franceses, improvisamente embistió al fuerte de San Matheo y poblaciones inmediatas, y apoderandose de todo, sin que la resistencia de los Españoles sorprendidos vastase á oponerse, muertos la mayor parte en la defensa, quedaron los demas por obgetos de la ira de Gurgio, que barbaramente mandó ahorcar, á reserva de Gonzalo Villaruel, que con muy pocos de los suyos se abrió por entre la enemiga tropa campo á su vida y livertad;

y recelandose Gurgio por esta razon que los Españoles bolverian sobre el, con la mayor aceleracion que pudo embarcó su gente, y con derrota á Francia llegó á la Rochela el 6 de Junio; y creido hallaria grande aplauso de su accion y en la corte el premio correspondiente, fué tratado como perturbador de la paz, pues sin ordenes del Rey habia insultado á los confederados de su corona, y obligado á vivir infelizmente oculto entre los mismos de su secta, en cambio de la recompensa que esperaba, fué buscado con gran desvelo de los ministros Franceses para entregarle al embaxador de España en justificacion de la sinceridad del Rey Christianisimo.

20. Buelto de España el Adelantado, reparó la ruina de Gurgio, reedificando á San Matheo, y con la gente de refuerzo que habia traido, le puso guarnicion de ciento y cincuenta hombres con lo demas correspondiente, y aumentando con ciento noventa y tres la de San Phelipe en Santa Elena, pasó á la Havana, y de allí por tercera vez á España, de adonde trajo nuevo socorro; y continuando incansable en fomentar poblaciones y aumentar sobre todo la Christiandad, consiguió tener empleados diferentes padres de la Compañia

de Jesus y otros sacerdotes en varias partes y provincias, en lo interior del continente.

21. Pedro Menendez Marquez,* sobrino del Adelantado, que en las ausencias de su thio era governador de la Florida, redujo muchos Indios de la tierra dentro á la obediencia, tomando posesion en nombre del Rey de cada provincia, en particular ante Rodrigo Carrion, escrivano de la governacion de Santa Elena; y saliendo á reconocer las costas en el año de 1573 para que quedasen demarcados los puertos, avras, rios, barras, y vajos, y esto mediante se facilitase á los Españoles con el conocimiento el modo de navegar aquellos mares; dio principio en la Cavesa de los Martires en 25 grados, y llegó hasta la Bahia de Santa Maria en 36 grados 30 minutos, de cuya navegacion hizo derrotero y diario; y habiendo quarta vez pasado á España el Adelantado, de orden del Rey para otros encargos de su real servicio, estando entendiendo en su cumplimiento, murió este isigne hombre en Santa Ander el 17 de Diciembre de 1574.

* Cardenas, Decada 7ª.

CAPITULO 3°.

DEL PRINCIPIO DEL ESTABLECIMIENTO DE LOS INGLESES EN EL CONTINENTE DE LA FLORIDA

1. El año de 1574 ya eran los Españoles dueños de la Florida, por derecho de primeros descubridores desde el año de 1512, y por el de conquista y primeros ocupantes desde el de 1565; por este los Reyes de España eran señores propietarios, y estavan en posesion desde el Cavo Florida ó Caveza de Martires, en 25 grados, hasta Santa Elena inclusive, en 32 grados 30 minutos, con poblaciones castillos y doctrinas, y por aquel lo eran hasta Cavo Enrrique ó Bahia de Santa Maria, en 36 grados 30 minutos, aunque sin colonia alguna, quando Gualtero (ó Walter) Reileigh llegó á ocupar la tierra de la provincia de la Virginia* avitada de Indios, con una poblacion que dejó eregida; esta es la primera vez que los Ingleses tomaron posesion en el Continete de la Florida, dando principio á su establecimiento, mudando el nombre Viginia en Virginia,

* Año de 1584; historia de Walter Reileigh.

quizas por que Ysauela reynava en Inglaterra sin haverse casado; y haviendo con el discurso de algunos años despues estendido esta colonia hacia el sur, dividiendola en differentes señorios, condados y baronias, llegaron á cercar sus limites hasta la poblacion Española de Santa Elena.

2. *Sorpresa de Drake en San Juan de Pinos:** Con el motivo de haver la Reyna Ysauela dos años despues declaradose enemiga de Spaña, con aquellos socorros de gente y dinero que habia dado á los Flamencos reveldes, embió á las Indias Occidentales al Conde Christoval Carlisle, y á Francisco Drak con una armada de veinte y un navios y dos mil trescientos hombres de desembarco; y de resulta de haver quemado y saqueado á Santo Domingo, Cartaxena, y Santiago de Cuba, plazas indefensas, en el año de 1586 de retorno á Europa executó lo mismo por golpe de mano en San Juan de Pinos, castillo de catorce cañones, que aun no estava acavado, seis leguas al sur de San Augustin, cuya ciudad y fortaleza tambien provó el propio estrago de sus hostilidades, por que los Españoles con la noticia de la superioridad de las fuerzas

* Cardenas, Decada 8ª.

enemigas se habian retirado á San Mateo, para con las suyas unidas poder rechazar á los contrarios, los que, avisados de esta providencia, bolvieron á embarcarse, é intentaron pasar á Santa Elena para imbadirla, pero fueron obligados de un temporal á ir á Virginia, en donde hallaron á los Ingleses de aquella reciente poblacion de Walter Reileigh pereciendo de miseria y necesidad, que obligó á Rodulpho Labe, su governador, á embarcarse con su gente en el navio de Drake y abandonar el pais, de suerte que quedó por entonces extinguida la posesion que de el habian tomado los Britanicos; y sabiendo el governador Español de que el Conde y Drake se habian contentado con los daños executados en San Juan de Pinos y San Augustin, y que enteramente habian desamparado las costas, bolvió con toda la gente y familias por tierra, y dió principio á su reedificacion, que finalizó perfectamente, ayudado de los socorros que le fueron embiados de la Havana.*

3. *Segunda vez buelven los Ingleses a la Virginia y se establescen:* En los 20 años siguientes continuaron los Españoles en el fomento de sus poblaciones, y en pacificar

* Cardenas, Decada 6ª. [8ª]

algunas naciones de Indios vasallos, que sin mas motivo que su natural flaqueza y veleidad, se inquietavan de en quando en quando; y por parte de los Ingleses no hubo novedad ni movimiento hasta el año de 1606, que Christoval Neuport, despachado por Bartolome Gesnoldo, que de compañia con Juan Smith y otros mercaderes de Londres le habian subministrado todo lo necesario. Despues de varias tormentas que le ocasionaron increibles trabajos, bolvió á la Virginia, y llegó al Cavo Henrrique ó de Santa Maria; y tomando tierra contra la voluntad de aquellos Indios, le obligaron á fortificarse prontamente, para defenderse de la furia con que lo insultaban, hasta que, entrando por el Rio Pouhatan (al presente llamado Rio Jacobo), en el sitio que le pareció mas conveniente fundó la ciudad de este nombre, en honor de Jacobo Primero que reynaba.

4. *Patente de Jacobo 1°. cediendo las tierras comprehendidas entre los 34 y 41 grados:** En consequencia de que Jacobo 1°. (concedia lo que no le pertenecia), no hizo dificultad en condecender á las instancias que Gesnoldo y sus compañeros hacian para que confirmase la

* Cardenas, Decada 10ª.

compañia, y asi dió su real aprovacion* y licencia de que pudiesen pasar á la nueva poblacion de la Virginia todas las familias de los interesados con las condiciones que quiso imponer, y la cedió (como si fuera suyo) el continente é islas cituadas entre los 34 y 41 grados de latitud, despachando cedula real á este fin.

5. Al paso que se aumentavan las poblaciones de los Spañoles desde los 32 grados 30 minutos hacia el sur, y hacia el oeste hasta Apalache, Apalachicolo, Cassita, Caueta y demas provincias de la inmediacion, con tanto fruto espiritual en los Indios que en el Capitulo General que la religion de San Francisco celebró en Roma en el año de 1612 se tubo por tan preciso erigir la Florida en provincia, que los vocales lo acordaron, dandola por su titular á Santa Elena† atendiendo á la poblacion que la tenia por abogada y patrona, y se estableció el convento de la Havana por principal de dicha provincia; los Ingleses adelantaban sus colonias tambian hacia el sur desde Jamestoun ó Ciudad Jacobo, con todos los Puritanos que, perseguidos del Arzobispo

* Año de 1607.

† Constitucion que existe en la actual, conservando esta provincia el mismo titulo.

Bancroft, queriendolos obligar á vivir conforme á los ritos de la Iglesia Anglicana, se huyan de Inglaterra* hasta que en el año de 1626 Carlos 1°. por sus justos fines annuló la Compañia, y privandola de los derechos concedidos, agregó á su corona la Virginia, nombrando governadores y jueces que despachasen en su real nombre.

6. No puede señalarse á punto fixo el año en que los Ingleses poblaron su Carolina del Norte, por que falta esta noticia en quantos papeles y libros se han podido encontrar en esta ciudad, pero es forzoso haya sido su plantificacion en el reynado del Serenisimo Rey Carlos Primero, y por consequencia antes del año de 1649, en que Su Magestad lastimosamente falleció; pues su governador, fielisimo á Carlos 2°. lexitimo subcesor, no queriendo dar la obediencia á la Republica, ó á Oliverio Cromuel, que en calidad de Protector de los tres reynos la governaba en el interregno, fué obligado el Parlamento á embiar á Hiriviscon con una armada maritima el año de 1651 para reducirlo,[84] y en Henero del año siguiente á Jorge Ascough con otra de quince navios y dos mil infantes, á que

* *Historia de Inglaterra*, por Rapin, en el Reynado de Jacobo 1°., año de 1608.

sugetase á la Virginia y demas tierra firme poblada de los Ingleses,* quitando los governadores de la parcialidad del Rey, y nombrando otros de su faccion, que consiguió facilmente, por que la prosperidad de su comercio los habia hecho negligentes en fortalecerse.

7. Despues con la numerosa concurrencia de vasallos de la Gran Bretaña á la fama de las conveniencias que prometia el pais, se extendió esta provincia hasta los 33 grados al sur, y la dividieron en Carolina Septentrional y Meridional, en el año de 1665, en que esta ultima quedó fundada† con el nombre de Carolina del Sur.

8. Como quiera que sea, no quita ni pone á el intento, por que hallandose la Carolina del Sur en 33 grados y San Phelipe en Santa Elena en 32 grados y 30 minutos, no contradice á el asunto de la question y de esta obra, el que los Ingleses fundasen las dos citadas Carolinas año antes mas ó menos, pues de todas maneras siempre se verifica que el pais desde los treinta y seis grados y treinta minutos inclusive, en que se halla el Cavo de Santa Maria, hasta Santa Elena, en 32 grados

* Whitelock su autor.

† Nicolas de Fer, en su *Descripcion Geographica de la America.*

30 minutos, era usurpado por los Ingleses, sin embargo de que todavia no estaba poblado de los Españolos, por razon de haver Lucas Bazquez de Ayllon y Pedro Menendez Marquez descubierto hasta la citada altura de polo de Santa Maria, y este ultimo hecho diario y derrota de sus costas en el año de 1573, á donde nacion alguna habia llegado hasta once años despues, que Walter Reileigh pobló con el nombre de Virginia, como se ha bisto en el capitulo 3°., parrapho 1°.

9. Hasta aquí se ha demostrado el origen y antiguedades de los descubrimientos, conquistas y establecimientos de los Españoles é Ingleses en el Continente de la Florida, con distincion de los hechos y de los años en que se consumaron, como tambien de lo que cada nacion de por si posehia sin disputa; se han tocado claramente las razones de derecho que asistian al Rey Catolico á los dominios que ai desde San Phelipe en Santa Elena, ultima poblacion y castillo al norte, que S. M. gozava en posesion, hasta el Cavo y Bahia de Santa Maria, por haverse poblado por Ingleses posteriormente al descubrimiento de Lucas Basquez de Ayllon, y al de Pedro Menendez Marquez; y se ha dado el individual conoci-

miento de las equivocaciones que autorizan algunos mapas, cartas de marear, relaciones, y libros impresos, con descuidos y falta de verdaderas noticias, ocasionadas de la confusion con que se han ofendido los hechos por tantos y tan diversos nombres como se han puesto á estas provincias, costas, cavos, pueblos y rios, queriendose cada uno hacer plausible por la invencion, ofuscando con vocables recientes los sitios que antiguamente tubieron nombres impuestos por los Spañoles, primeros poseedores y descubridores, olvidados ya, por que las naciones les han dado los que les han parecido á los mares y tierras donde han llegado ó imaginado llegar, resultando por estas causas el gran daño que observó Antonio Herrera* y despues Juan Bacon.†

* *Historia General de las Indias*, Decada 1ª., Libro 5°., Capitulo 51.

† En las notas á la *Introducion de la Geographia de Culberio*, Libro 6°., Capitulo 12, Folio 504: "*Cum hispani alia et Galli [alia] hisce locis indiderunt nomina, magna, reperitur intabulis Geographisis discrepantia.*"

CAPITULO 4°.

DEL TRATADO DE PAZ DEL AÑO DE 1670 ENTRE LAS DOS CORTES DE SPAÑA Y LA GRAN BRETAÑA

1. A costa de mucha sangre de Christianos y de inmensos gastos y trabajos, estaban los Españoles en posesion (como se ha visto en los capitulos antecedentes), del pais comprehendido desde Santa Elena, en la altura de polo septentrional de 32 grados y medio, hasta los 25, en que por la parte oriental se termina el Continente de la Florida, con poblaciones y doctrinas en quasi todas las islas y tierras firme de la costa, y en lo interior en las provincias de Guale, Coava, Orista, Timucua, Santa Fee, San Martin, San Pedro, Azile, Vitachuco, Apalache, Caueta, Apalachicolo, Talapuses, y otras; y que los Ingleses eran indevidamente dueños desde el Cavo y Bahia de Santa Maria hasta la Carolina ó Charlestoun del Sur, quando el Serenisimo y Potentisimo Carlos 2°., Rey de la Gran Bretaña, y el Serenisimo y Poten-

tisimo Carlos 2°., Rey Catolico de Spaña, acordaron solemnemente un tratado y amigable composicion para restaurar y conciliar en las Indias Occidentales la paz y buena correspondencia interrumpida por varias y mutuas injurias y depredaciones que se experimentavan.

2. Por el Articulo 7°. de este tratado se determinó que todas las ofensas,* perdidas, daños, é injurias que las naciones Española é Inglesa, en los tiempos pasados, se habian hecho una á la otra, por qualquiera causa ó pretexto en la America, todas se han de entregar al olvido, y del todo borrar de la memoria, como si nunca se hubieran cometido: demas de esto se combino en que el Serenisimo Rey de la Gran Bretaña, sus herederos y subcesores, con pleno derecho de sumo imperio de propiedad y posesion poseeran, y tendran perpetuamente "todas las tierras, regiones é islas, colonias y dominios en la India Occidental, ó en qualquiera parte de la America que el dicho Rey de la Gran Bretaña y sus subditos tienen y poseen al presente, de suerte que por este nombre, ó titulo, ó con pretexto de otra qualquiera pretension,

* Tratado de Madrid, del año de 1670, Articulo 7°.

no se pueda ni deba jamas hacer apremio, ni moverse en adelante controversia alguna."

3. Claramente se infiere que los Ingleses son y seran dueños de todas las tierras que poseian y tenian al tiempo que se celebró el tratado, y que lo que no tenian ni poseian en este acto no lo son ni lo pueden ser; y como quiera que en el año de 1670 solo tenian y poseian hasta Charlestoun del Sur, en la costa oriental de la Florida, se sigue que hasta este parage deven lexitimamente tener y poseer sin que se les pueda mover controversia.

4. Pero se pregunta que ¿ á que fin en este solemne tratado se convendria entre las dos coronas contratantes el contenido en el Articulo 7°. expresado? Por que en lo natural era ocioso si los Ingleses eran lexitimamente dueños; verdaderamente se infiere una total desconfianza de parte de la Corte Britanica en semejante acto, pues expresamente concede á la Corte de España el absoluto dominio á todas las Indias Occidentales, accediendo como accedió á un articulo en terminos tan significantes á favor del derecho del Rey Catolico, confesando directamente en el que, como señor que era del todo, era absolutamente necesario lexitimase á los Britanicos

en la posesion, y declarase y intimase en el tratado que el Serenisimo Rey de la Gran Bretaña sus herederos y subcesores, con pleno derecho de sumo imperio de propiedad y posesion, poseeran y tendran perpetuamente todas las tierras &ª., dandose á entender que sin esta tan eficaz circunstancia siempre que el Rey de España quisiese podria desposeer á los Ingleses, que es lo mismo que confesar la falta que tenian de justos titulos para la posesion, y reconocer afirmativamente que solo los podia conceder Su Magestad Catolica como supremo dueño.

5. ¿ Podra creerse que la Corte de Londres, si no supiera pertenecer verdadera y lexitimamente á los reyes de España la soberania universal de las Indias Occidentales, la consintiese confirmada en acto tan formal en perjuicio de su propio derecho, ni tampoco que la Corte de Spaña se apropiase el que no le tocaba en justicia? No es verosimil, ni uno, ni otro, mayormente quando por parte del Rey de la Gran Bretaña se nombró á este fin por embiado extraordinario, con pleno poder para concluir el tratado, al Cavallero Guillermo Godolphin, Miembro del Parlamento, por varon idoneo y dignisimo de dicho cargo;

y por la de Spaña á Don Gaspar de Bracamonte y Guzman, Conde de Peñaranda, del Consejo de Estado é Indias, por concurrir en su persona las prerrogativas de gran calidad y prudencia, de suerte que por omision, falta de inteligencia, ni por otro defecto, puede presumirse que tan sabios ministros convinieran en un articulo que dissonase tanto al honor y derecho de una y otra Potencia.

6. Deducese, pues, por hilacion forzosa, que la Gran Bretaña tiene legitimo domino (permisive y solo en fuerza del tratado) á todas las tierras que el referido año poseia, y no otras; y estando claramente provado en los articulos de descubrimientos, conquistas y posesiones, que en dicho año no eran los Ingleses dueños del territorio comprehendido en las alturas de polo de 32 grados 30 minutos inclusive, esto es, San Phelipe en Santa Elena, y los 29 (que de diez años á esta parte llaman Jorgia), siguese por su naturaleza que semejante establecimiento es una usurpacion, que sin disputa necesita de otro tratado, como el del año de 1670, en que por otro articulo semejante al 7°. el Rey Catolico conceda á la Gran Bretaña pleno derecho de sumo imperio &ª.,

como concedió en aquel de las demas regiones é islas que poseia entonces, sin cuyo requisito los Españoles justamente reclaman y deben reclamar todo el pais que hay desde 32 grados y medio hasta los 30 y 26 ms., en que se haya el Rio San Juan, que es hasta donde de diez años á esta parte se ha extendido la nacion Britanica con el nombre de Gorjia, pues desde dicho rio hacia el sur havitan existentes los Españoles, como es notorio.

CAPITULO 5°.

DE LO QUE ACAHECIÓ Á LOS ESPAÑOLES EN SUS DOMINIOS EN EL CONTINENTE DE LA FLORIDA DESPUES DEL TRATADO DEL AÑO DE 1670, QUE MOTIVÓ Á QUE SE RETIRARAN LAS POBLACIONES QUE HABIA AL NORTE DE SAN AUGUSTIN, POR CUYA RAZON SE CONFIRMAN LAS POSESIONES EN QUE ESTABAN EN DICHO AÑO

1. *Sublevacion de los Indios:** Governava las provincias de la Florida Española (que en virtud del tratado del año de 1670 se llamara asi, para distinguirla de la de los Ingleses) Don Juan Marques Cabrera el año de 1680, quando algunos Indios de las poblaciones de San Phelipe en Santa Elena, San Simon en Guale, Santa Catharina, Sapala, Gualquini y Vejezes, empezaron á dar indicios de desazonados del dominio Español, y faltando á la veneracion de los superiores, incitados de los Ingleses de la Carolina del Sur, de cuya vecindad no podia esperarse otra cosa (como

* Cardenás, Decada 18ª.

se verá); pues, despreciando los consejos de los padres doctrineros, contumaces en su desafecto, poco á poco se hicieron rebeldes, y con el malicioso pretexto de que el referido governador habia propuesto mudarlos á las islas de Santa Maria, San Juan, y Santa Cruz, disgustados de esta trasmigracion, algunos de ellos se pasaron á dichas provincias de Ingleses, cuyo acto califica de verdadera la bien fundada presuncion de los Españoles contra la vecindad de aquella nacion; pues, si fuera cierto que los Indios amantes de sus habitaciones no gustaban dejarlas, subsistia el mismo motibo para que no pasasen á la de los Ingleses, y no lo havia despues de su desercion para cometer las muchas hostilidades que cometieron contra los Españoles é Indios sus parciales de Santa Elena, que obligaron para evitarlas á que el governador diese la providencia de abandonar esta poblacion el año de 1686; pues, entre otros insultos subcedió que*, yendo los oficiales reales de San Augustin (segun costumbre de todos los años) á pagar la tropa que habia de guarnicion en aquel

* Declaraciones del Capitan Don Juan Mexia, del Sargento Mayor Don Juan de Ayala, Juan de Sandoval, Don Joseph Rodriguez, Don Alonzo de Avila y otros, dadas en San Agustin en 16 de Septiembre del año de 1726.[85]

castillo y demas islas, fueron muertos iniquamente en el camino, de que resultó dicho abandono y que efectivamente los Ingleses se estableciesen en ella, y por consiguiente la prueva real de que sus influencias disponian los animos de los Indios á semejantes ofensas.

2. Verificaronse despues en que el cacique de los Yamazes, Christiano Catholico habitante de la Provincia de Guale, dandose sin causa por ofendido del governador Español*, con los suyos dió la obediencia á los Ingleses de Carolina, faltando á la del Rey; y no contento con esta sobra de mala fe, declaró la guerra á la Provincia de Timucua, una de las obedientes á España, saqueó y quemó la doctrina y pueblo de Santa Catharina, robó las alajas de las iglesias y combento de San Francisco, dió lastimosa muerte á muchos, y llevandose á otros prisioneros, los hizo esclavos en Carolina, accion que realmente no dejó duda de la coligacion de los Ingleses.

3. *Expedicion del Governador de la Florida contra los Ingleses e Indios Poblados en Santa Elena. Venta de su territorio á Henrrique por un Indio:*† Hallavase entonces el capitan

* Cardenas, Decada 16ª.

† Consta de Carta de 6 de Marzo de 1687 al Rey Catolico y de la orden de S. M. para extirparlos, qué existe en el Archivo de San Augustin.[86]

general Español con poca tropa para reforzar las poblaciones de Santa Catharina y Sapala afin de asegurarlas de otro insulto como el anterior, por que se dividió las fuerzas que tenia, repartiendolas en dichos parages resultaba el inconveniente de exponer unas y otras á la contingencia de desunidas. En esta atencion resolvió cuerdamente, retirando el resto de la gente que havia quedado en dichos puestos, juntarla con la de la poblacion de la Isla de San Simon, en la provincia de Guale, en 31 grados 18 minutos, y armando dos piraguas y una galeota al cargo del Capitan Don Francisco de Fuentes, pasó á desalojar á los Ingleses é Yamazes que ocupaban á Santa Elena; y con tan corto armamento habiendo conseguido castigarlos con quemarles las casas, traerse treinta y siete Indios Christianos exclavisados, todos los viveres que se hallaron, con algunos Yamazes que voluntarios ó arrepentidos dejaron el dominio Ingles, se logró matar al Indio Niquesalla, caudillo de la nacion Yguaja y Colona, y á un hijo y sobrino suyo agregados á los Ingleses.

4. Parece que este es el lugar adonde corresponde hablar sobre la venta que, con ligereza dicen algunos Ingleses, les fué hecha

por los naturales del pais de que se trata, alegando por esta razon el derecho de señores de el.

5. Es verdad que el citado Indio Niquesalla vendió á los Ingleses el territorio de Santa Elena, con todas las solemnidades de escripturas y ceremonias de arrancar, plantar, y mover tierras que en tales contratos se acostumbran; pero para que se vea que, no teniendo razones solidas y verdaderas, es menester que se sirvan de invenciones y monumentos insustanciales y nulos, es el caso que el referido Indio no era siquiera natural del pais, pues era un mero mozo de la nacion Chicora en la provincia de este nombre al norte de Santa Elena, que siendo de genio caviloso y ambicioso de fama, se habia hecho vandolero y caudillo, y agregandose á los Ingleses y conduciendo al Capitan Henrrique N. y á sus compañeros á Santa Elena, executó la precitada venta con la formalidad referida.

6. Podrá creerse que inculpables los Ingleses en este contrato y agenos de las propiedades del vendedor, aceptasen la venta por lexitima y justa, sin embargo de no ser regular; con todo se concede, pero no es dable què

ignorasen que habia mas de cien años que el Rey de España gozava en propiedad aquel terreno, y que el reciente abandono de los Españoles no despojava á S. M. C. del dominio; tan poco es verosimil que comprasen aquella tierra con tanta formalidad como la compraron, sin que precediese la manifestacion justificada y autorizada de la propiedad hereditaria ó adquirida del vendedor, requisitos indispensables para lexitimar la enagenacion; y siendo imposible á este, pues ni proximo ni remoto tenia el menor dominio, se infiere que los Ingleses egecutaron las ceremonias de comprar por ceremonias, y por ley natural nula y de ningun valor la venta.

7. Pero, aun dado que el Indio Niquesalla estubiese avilitado para vender la referida tierra, esto es, que como cacique y señor de ella no fuese nula la venta, prescindiendo del derecho que tenian los Spañoles por conquistadores, y pobladores, el que no habian perdido por el mero accidente de haverla evacuado; pues todos saven que el dueño de una posesion lo es de no usar de ella y de dejarla abandonada si quiere, tenga ó no causa para ello, sin que por esto pierda el derecho que tiene al dominio; en este caso los

Ingleses solo serian dueños de Santa Elena y su jurisdiccion y no de Guale, provincia mas al sur, de distinto dueño y de jurisdiccion separada, en donde habitaban los Spañoles actualmente, á menos de que el expresado Indio del mismo modo que vendió clandestinamente la tierra de Santa Elena egecutase lo proprio de esta, lo que no consta.

8. Y bolviendo á la expedicion de Don Juan Marquez Cabrera, acavada la campaña* dió quenta al Rey de todo lo acaecido, remitiendo á S. M. al mismo tiempo los papeles Ingleses que el referido Capitan Don Francisco de Fuentes habia encontrado en Santa Elena, de cuyo contenido se inferia la intencion que tenia el Rey de la Gran Bretaña de poblar aquella region, por que entre ellos habia una patente por la que constaba que concedia rentas y señorio al expresado Capitan Henrrique N. y sus compañeros pobladores, en recompensa del merito que hazian á favor de su corona, en descubrir aquellas tierras habitadas de salbages; hizo presente los daños y fatales resultas que se seguian á S. M. C., en cuya consequencia, por cedula su fecha en Madrid de 14 de Agosto de 1688, á Don Diego

* En Carta de 6 de Marzo del año de 1687.

de Quiroga y Lozada, subcesor en el govierno y capitania general de la Florida y sus provincias á Don Juan Marques, aprovado S. M. todo lo obrado hasta entonces, encargó y mandó prosiguiese en el total desalojo de los Ingleses y Yamazes poblados en las referidas tierras de su dominio, remitiendole á este fin cien hombres de refuerzo, armas, pertrechos y municiones en el navio del cargo del Capitan Juan Ayala y Escobar.

9. No habrá quien no conozca que si el Rey de España no hubiera tenido mui declarado el derecho á la posesion de Santa Elena (que por los motivos expresados en los parrafos antecedentes abandonaron los Españoles), que S. M. no solo no hubiera aprovado la expedicion de Don Juan Marques, sino que le hubiera severamente reprehendido y castigado, como á perturbador de la paz y perfecta armonia que subsistia entre las dos coronas, en fuerza de buena correspondencia.

10. Tampoco habrá quien no persiva que no es regular que, siendo el Rey de España soberano dueño de tantas y tan vastas regiones y dominios en las Indias Occidentales, quisiera interrumpir la paz para usurpar, quitando por fuerza una tan corta porcion

de pais como lo era lo correspondiente á Santa Elena, mayormente habiendo con tanta liberalidad concedido á la Inglaterra la posecion y derecho de sumo imperio de tantas tierras é islas como concedió por el tratado del año de 1670.

11. Tambien es claro que si aquel territorio hubiese pertenecido á la Gran Bretaña, el governador de la Carolina hubiera dado sus quejas con razon de la violencia de los Españoles, y la Corte de Londres hubiera pasado sus oficios á la de España, lo que no executó, infiriendose de su silencio que no tubo de que sentirse ni que arguir sobre lo practicado por el governador de la Florida, ni de las ordenes del Rey de España reiteradas para el desalojo de los Ingleses.

12. Seria reparable que el Rey de España hubiese concedido á los Ingleses (como concedió por el capitulo 7°. del tratado del año de 1670) todas las provincias y regiones que la Gran Bretaña poseia entonces en las Indias Occidentales, y que diez y siete años despues quisiese quitarles una parte tan corta, siendo cierto, como queda demostrado, con los echos especificos, que el mismo año de '70 poseyan los Ingleses en el Continente de la Florida

solamente desde el Cavo Henrrique hásta la Carolina del Sur, provandolo el no mandar el Rey Catolico á sus governadores que recuperasen estos dominios, si solo haver dirigido sus ordenes á desalojar á los Ingleses de Santa Elena; pues tenia presente S. M. que desde Carolina hasta los 36 grados 30 minutos eran dueños lexitimamente en fuerza del tratado del año de '70.

Infiriendose claramente que si la jurisdiccion de Santa Elena hubiera sido comprehendida en los dominios que S. M. habia cedido á los Ingleses, no los hubiera mandado dasalojar de ella, asi como no los mandó arrojar del resto, y si la Gran Bretaña hubiese estado en posesion de este territorio al tiempo de la celebracion del tratado, hubiera obtenido la investidura de propiedad del propio modo que la obtuvo de las demas regiones, y por consequencia el Rey Catolico no hubiera expresamente aprobado la expedicion de Don Juan Marques, practicada contra los Ingleses establecidos en Santa Elena, ni hubiera mandado á su subcesor tropas, armas y municiones para que las prosiguiese hasta desalojarlos enteramente de ellas; cuya expedicion quedó frustrada por un recio temporal que sobrevino al

armamento maritimo en la inmediacion al puerto del destino, que, maltratando las embarcaciones, obligó á dejar la empresa por entonces.

13. Es tambien digno de reparar que la patente, renta, y señorios dados por S. M. B. al Capitan Henrrique N. y á sus compañeros, fué en virtud de estar informado que aquellas tierras estaban avitadas por salvages, y todavia por descubrir, segun se verifica por el contexto de la misma patente, pues expresamente dice: que el Rey su amo le concedia rentas y señorios al expresado Capitan y compañeros pobladores en recompensa del merito que hacian á favor de su corona en descubrir aquellas tierras avitadas de salvages.

Y asi debe reputarse por nula, pues claramente se infiere que la mente del Serenisimo Rey Carlos 2°. de Inglaterra era de descubrirlas y poblarlas, que es lo mismo que suponerlas Su Magestad ignoradas de toda nacion, y sin dueño, y lo propio que decir que si sus vasallos le hubieran informado de la verdad, no hubiera su conocida justificacion otorgado semejante patente, ni concedido señorios en dominios que pertenecian á la Corona de España; antes si es indubitable que

hubiera severamente mandado castigar al citado Capitan Henrrique y compañeros por delinquentes en el osado delito de constituir á su propio principe complice en la usurpacion y por fractores de la paz y buena correspondencia que habia entre las dos coronas; en cuya atencion no es estraño que el Rey y el Parlamento de la Gran Bretaña aleguen haver concedido á sus subditos patentes para descubrir y poblar aquel pais, en su inteligencia habitado de salvages, ni tampoco de que el Rey de España reclame esta region de que se trata en fuerza del innegable derecho que tiene á ella; en una palabra, la orden ó patente del Rey de la Gran Bretaña fué para descubrir y agregar á su corona la conquista de tierras habitadas por salvages; el Parlamento supone la expedicion respectiva á dicha patente, en la que funda la disputa de su posesion. Es asi que se lleva provado de echo que el Capitan Henrrique se estableció en dominios que eran del Rey Catholico, poblados de sus vasallos, y que los informes sobre que se expidió la patente fueron falsos, luego no debe dudarse de que una vez inteligenciado el Rey y Parlamento de la realidad de los subcesos que no fueron conformes á su mente, segun su recta intencion, desistiran de la pretension.

14. Desde el año de 1693, en que á Don Diego Quiroga subcedió en el govierno de la Florida y sus provincias Don Laureano de Torres, no hubo accion particular ni subceso digno del asunto, manteniendose los Ingleses en la posesion de Santa Elena, y los Españoles en la de San Simon, Santa Maria y Santa Cruz, en la Provincia de Guale, hasta el año de 1701, que declarada la guerra, pasando á las Indias el Vice Almirante Bembow con una armada de veinte navios, y tropas, reforzó la Virginia, Carolina, San Xptoval, y otras islas; y habiendo llegado Don Jossef de Zuñiga á relevar á Torres del mando, viendo el mal estado en que se hallavan las defensas del presidio de San Augustin y poblaciones de su governacion, la tardanza de socorros pedidos al Rey por sus antecesores, y los movimientos de guerra con que lo amenazavan los Ingleses vecinos, determinó embiar á la Corte á Don Juan de Ayala, uno de los capitanes de la gente de su mando, á que informase á S. M. del riesgo en que estaba y de los preparativos que se hacian en la Carolina del Sur.

15. Al año siguiente de 1702 el General Ducase, de orden del Rey, habia embarcado en la Coruña en la armada de su mando dos

mil Gallegos para socorrer las plazas de la America, y dejando parte de ellas en esta de la Havana, el governador de ella, noticiado por Don Josseph de Zuñiga de que el Coronel Moor intentava ir sobre San Augustin, con toda prontitud despachó setenta Gallegos en su socorro al cargo del Capitan Don Josseph Primo de Rivera.

16. Socorrido Don Josseph de Zuñiga, procuró que los enemigos lo hallasen en el mejor estado de defensa, á cuyo fin hizo todas las prevenciones que le fueron dables, logrando por estos medios y valor de los Españoles no solo resistir al sitio que el referido Coronel Moor puso á la ciudad y castillo de San Augustin, sino que lo precisó se retirase con considerable destrozo y perdida de los suyos.

17. Es notorio á los mas vivientes de San Augustin, asi Españoles como Indios, que en esta ocasion del referido sitio, tanto unos como otros que habitavan en las provincias de Gualé y Timucua, en las poblaciones de San Simon, Santa Maria, Santa Cruz, y San Matheo, con la tropa y oficiales que habia de guarnicion en ellas, se retiraron á la ciudad, asi por que se contemplaban poco seguros de la multitud de enemigos que bajaban de Carolina á imba-

dirlos, como para oponerse con las fuerzas unidas á la toma de la capital, de cuya conservacion pendia la del resto de la governacion; y asi en este año de 1702 fué quando los Españoles dejaron voluntariamente la posesion en que estaban de la provincia de Guale, y demas poblaciones arriba expresadas.

18. Concluido el sitio en la forma referida, retirandose el Coronel Moor con todos los suyos á Carolina, no debe alegarse, como se alega, consequencia de dominio de parte de los Ingleses, pues es echo constante que en esta expedicion no consiguió otro fruto que haver hostilizado quanto le fué posible á los Españoles.

CAPITULO 6°.

DE QUANDO DIERON PRINCIPIO LOS INGLESES Á OCUPAR EL PAIS DE GUALÉ; DE LAS RECONVENCIONES DEL GOVERNADOR DE LA FLORIDA AL DE LA CAROLINA, Y DE LA CORTE DE ESPAÑA Á LA DE LONDRES; DE LAS RESULTAS SOBRE ESTE ASUMPTO; Y LA PLENA PRUEVA DE LA USURPACION [87]

1. Por la serie de los subcesos y de las pruebas inegables hasta aquí subsintamente deducidas, se verifica que la Gran Bretaña jamas ha tenido derecho para poseher el pais que ay al sur de Charlestown, y que ha pertenecido siempre y pertenece á la Corona de España, asi mismo que si no intermediara el articulo 7°. del tratado del [año] de 1670, observado con toda la exactitud de parte de España, tampoco la Inglaterra le tubiera al que se compreende desde dicho Charlestown hasta el Cavo Henrrique, de modo que clara y distintamente se veen disueltas por todos titulos y razones las dudas que puede haver promovido la falta de noticias ajustadas á la verdad

de los hechos, á los tiempos y á las situaciones, de cada tierra en particular; cuya separacion de partes respectivas segun corresponde, sin confusion á lo descubierto, conquistado, poblado y poseido por Españoles é Ingleses, concluye inconcusamente las que cada potencia debe gozar en este continente y que Santa Elena inclusive es el limite que deve prescrivirse para una y otra nacion, sin que pueda interponerse la mas leve replica en fuerza de los hechos que lo declaran y del derecho de las gentes que lo imponen.

2. Havia Don Antonio de Benauides Vazan, Capitan General de la Florida y sus Provincias, dado quenta al Rey su amo de las hostilidades que experimentavan los vasallos de S. M. por Ingleses é Indios de Carolina, y de la noticia dadole por Joachin Boto (que habia aportado á San Augustin á vender la carga de arina que trahia en el año de 17[2]1) en orden á que los referidos Ingleses erigian un fuerte en la Tamaja ó Bocas de Talaje, 33 leguas al norte de San Augustin, en 31 grados 12 minutos de latitud, que corresponde á la Isla de San Simon ó Gualquini, y de que en esta inteligencia, habiendo pasado recaudo y carta al governador Ingles, reconviniendole de la

manifiesta usurpacion por la pertenencia de aquel territorio á la Corona de España, y en virtud de la observancia de union y buena correspondencia que debia mantenerse entre los vasallos de ambas Magestades, le habia respondido el citado governador, tenia ordenes de su soberano para afianzar sus dominios con fortificaciones y poblaciones en la mejor forma que pudiese, en cuya consequencia se hallava Don Antonio Benauides con las del Rey Catholico, fechas en Aranjuez en 25 de Marzo de 1721, en 10 de Junio de 1724 en el Buen Retiro, en 18 de Agosto del mismo año*, unas y otras sobre estos asumptos mandandole ocurriese personalmente á juntarse con el governador de la Carolina, para que de acuerdo ambos arreglasen y determinasen los limites que tocaban á una y otra potencia, á cuyo fin S. M. B. participaba á S. M. C. por carta del Duque de Newcastle, fecha en Whitehall en 22 de Junio, estilo viejo,[88] de 1724† en que respondiendo á las reconvenciones hechas al Rey su amo por el ministro del Rey Catolico en la Corte de Londres, Don Jacinto

* Existen en los Archivos de San Augustin y de la governacion de la Havana.

† En los Archivos de San Augustin y de la Havana.[89]

Posobueno, en virtud de sus reales ordenes, por las que instaba sobre que se mandase al governador de la Carolina hiciese demoler luego el fuerte que se construhia por los Ingleses en territorio y dominio Español, pues de lo contrario estaria precisado S. M. C. á usar de su derecho, decia: que deseando apasionadamente su soverano vivir en perfecta inteligencia con su buen aliado el Rey de España, y evitar todo lo que pueda dar la menor ocasion á alguna alteracion de la union que subsistia, y de la aficion mutua que deseaba mantener entre las dos coronas, consentia gustoso en la proposicion hecha por parte de España, de que los dos governadores, para concluir las diferencias, arreglasen y determinasen entre ellos los limites de uno y otro territorio, y se demoliese el referido fuerte si estubiese en dominio Español, sino es que se pudiese convenir en un equivalente, á satisfaccion del Rey Catolico, y que á estos fines S. M. B. le mandaba expidiese las ordenes necesarias al governador de Carolina, lo que practicaria en la primera ocasion sin que hubiese falta.

3. En esta consideracion, el governador de la Florida, para proceder con mayor acierto y justificacion en el acto de la junta, quiso que,

con asistencia del escrivano de govierno, se hiciese una informacion con algunas de las personas que se hallavan en San Augustin, que individualmente pudiesen dar razon y noticia de confines y jurisdicciones de las tierras que tenia el Rey de España y que ocupaban sus vasallos al norte de dicha ciudad muchos años despues de el de 1670, afin de poder, con la mayor claridad, demostrar y convencer al referido governador de la Carolina, en el caso de que se opusiese á la justa posesion del pais que pertenecia á S. M. C., discurriendo que con producir hechos tan autenticos evitaria muchos debates y litixios que de otro modo indubitablemente se habian de ofrecer de parte de los Ingleses; y asi mandó llamar á su presencia á Don Juan Mexia, capitan de la guarnicion; Don Juan de Ayala, sargento mayor; Juan de Sandoval, soldado de infanteria; Don Jossef Rodriguez Menendez; Don Alonso de Auila Saavedra, ayudantes; y el Contador Don Francisco Menendez Marquez; y habiendo interrogado á cada uno separadamente debajo de juramento, contextaron sus declaraciones en que todos ellos, como testigos de vista y de cierta ciencia, habian estado de guarnicion en calidad de soldados los unos,

y de cavos los otros, en las poblaciones de Santa Catharina, Zapala, Gualquini, Santa Maria, y San Juan mucho despues del año de setenta, y que el fuerte de que se trata se hallava en dominios lexitimamente del Rey de Spaña, y los referidos Capitan Don Juan Mexia y Ayudante Don Jossef Rodriguez Menendez, añadieron haverse hallado en la segunda expedicion que de orden del Rey intentó el Governador Don Diego de Quiroga para el desalojo de los Ingleses poblados en Santa Elena, la que, por temporal que deshizo el armamento, no tubo efecto, como se ha dicho en el capitulo 5, parrafo 12*.

4. Es evidente que una informacion semejante, de sugetos tan idoneos, justifica plenamente el dominio de Spaña á la region en question; pues autoriza el hecho de la verdad, á la que no se opone que el governador de la Carolina respondiese á los oficios del de la Florida en los terminos que respondió, por que nada es mas natural que el que tubiese ordenes de su soberano para afianzar sus dominios con fortificaciones y poblaciones en la mejor forma que pudiese; pero como quiera que estas

* Diligencias que constan en los autos de la materia que paran en los archivos de San Augustin y de la Havana.

por si mismas explican la mente de S. M. B., pues no se dirigia á afianzar y fortificar dominios agenos, como lo eran y lo son los de que se tratava, no debia el governador de Carolina interpretar dichas ordenes, apropriando tan absolutamente a si y á la corona de su Rey pais que no le pertenecia; bien si debia, atento á la mutua correspondencia, haber convencido al governador de la Florida con demostraciones y pruevas evidentes, autorizadas con instrumentos, y mostrarle los titulos que tenia que calificasen al Rey su amo de dueño del territorio en question, mayormente no pudiendo la Corte de Londres dejar de tener presente el articulo 8°. del Tratado de Utreque de 13 de Julio[90] del año de 1713 en el que:* "La Serenisima y Poderosisima Princesa Doña Anna, Reyna de la Gran Bretaña, promete que ayudará á los Españoles con sus fuerzas é riquezas para que los limites antiguos de las jurisdicciones de la America pertenecientes á España se restituyan y permanezcan como estaban en tiempo del Señor Don Carlos Segundo, y se reparen los quebrantos ó diminucion que tubieren desde que dicho Carlos Segundo murió."*

* A la letra, Articulo 8°. del Tratado de Utreche.

5. Esto es lo propio que hacerse la Reyna de la Gran Bretaña garante de mantener y defender el derecho que la Corona de España tiene á las Indias Occidentales, bien lexos de la intencion de usurparselo; y supuesto que los primitivos dominios de los Españoles en esta parte en tiempo del Señor Don Carlos 2°. de España llegaban á Santa Elena, segun lo alegado y provado, y que los quebrantos ó diminucion habian subcedido despues del tratado del año de 1670, se sigue por consequencia forzosa que deven ser reparados en cumplimiento de la garantia de la Serenisima Reyna de la Gran Bretaña, extipulada en el citado tratado de Utreque del año de 1713, y de el de 18 de Noviembre, estilo viejo, del mismo año, celebrado entre S. M. C. y S. M. B., en el que por el articulo primero sus Magestades prometieron mutuamente observar y cumplir todo lo contenido en los articulos de los tratados antecedentes, lo qual fué confirmado despues por el tratado de Madrid hecho en 13 de Junio de 1721 entre S. M. C. y el Rey Georje 1°. de la Gran Bretaña, en que por el Articulo 2°. se contrato* que S. M. B. expediria "las ordenes necesarias á sus gover-

* Articulo 2°., á la letra, del Tratado de Madrid.

nadores para el cumplimiento de lo convenido entre las dos Coronas en los tratados de Utreque, particularmente en quanto á lo que pudiere no haver sido executado sobre los puntos arreglados por los articulos 8°., 11°. y 15°., que hacen mencion de dejar á los Españoles el libre comercio y navegacion de las Indias Occidentales, y de mantener los antiguos limites de la America como estaban en tiempo del Rey Carlos 2°. &ª."

6. No ignora la Corte de Londres que la Corona de España poseia la provincia de Guale, y que sus vasallos la habitavan el año de 1702, posteriormente á la muerte del Señor Don Carlos 2°., mediante á que el Duque de Neucastle por carta de 18 de Diciembre de 1724 á Don Jazinto Posobueno* le dice: que en el particular de la construccion del fuerte que los vasallos de la Gran Bretaña habian echo sobre el Rio Tamaja, ó Bocas de Talaje, le hubiera respondido si Monsieur Nicholson, que era Governador de la Carolina Meridional á quien se aguardava en Londres por haber obtenido licencia de S. M. B., hubiese llegado; pero respecto á que se dilataba y que dicho Don Jazinto instava por tener alguna razon

*En los Archivos de San Augustin y de la Havana.

particular en este negocio para informar á su corte, el Duque se hallava con ordenes de su soverano para reiterarle las seguridades que antes se le habian manifestado en orden á que el Rey su amo estaba prompto á efectuar todo quanto pudiese contribuir al fenecimiento de esta controversia segun las reglas mas exactas de la justicia, y le incluyó copia de una informacion que se habia hecho por el consejo y asamblea de la Carolina,* en conformidad de las ordenes que el referido Governador Nicholson habia recibido de su corte, afin de instruir á S. M. B. en estas materias; la que se redujo en sustancia á que, "el fuerte de que se tratava se habia construido en la embocadura del Rio á la Tamaha, que por cedula ó carta del Serenisimo Señor Don Carlos 2°. (que santa gloria haya) se concedió á S. M. B., no solamente el dicho Rio que se halla en 31 grados 12 minutos, pero tambien un gran territorio al sur del referido rió, y que despues de esta donacion los Españoles no poseyeron jamas ni cultivaron tierras algunas sobre el; y que habian abandonado el año de 1702 aquella region á reserva de algunas garitas que mantenian en la boca del Rio San Juan, añadiendo

* Informe del Consejo de Carolina, en los Archivos de San Augustin y de la Havana.

dicha informacion que la nacion Inglesa habia quarenta años que tenia comercio considerable con los Indios poblados en las riveras del Rio.

7. Quando no fuesen suficientes todas las pruevas dadas sobre la posesion en que estaban los Spañoles del pais en question, despues del año de 1670, bien claro se manifiesta ser asi por el contenido de la referida informacion fecha en el año de 1724; pues, deduciendo los quarenta años que habia que comerciaban los Ingleses de Carolina con los Indios de aquella comarca, el principio de su comercio corresponde al año de 1684, ó á 14 años despues del tratado de 1670, que es precisamente quando aquellos Indios vasallos de España comenzaron á reboltarse y á parcializarse con los Britanicos, de lo que se originaron todos los subcesos que quedan dichos en este punto.

8. Tambien confirma lo propio la declaracion de la asamblea y consejo de Carolina, diciendo que los Españoles abandonaron aquellas tierras el año de 1702.

9. Y en quanto á la especie que dicho consejo y asamblea produce de que por cedula del Serenisimo Señor Don Carlos 2°. se hizo donacion á S. M. B., no solamente del dicho rio, que se halla en 31 grados 12 minutos, pero

tambien de un gran territorio al sur del referido rio, permitan sus honorables miembros que se niegue absolutamente y se repute por cavilosa y falsa, por que, en caso de ser verdadera, ni el Rey de España reclamara por la restitucion de la region de que se trata, ni el Rey de Inglaterra tenia necesidad de pedir informe á la asamblea y consejo de Carolina, ni de aguardar el arrivo á Londres del Governador Nicholson, para instruirse sobre este negocio; pues, con hacer presente la cedula ó carta del Rey Carlos 2°., citando su fecha y circunstancias, era sobradisimo instrumento que terminava toda disputa, y es de creer que si la Gran Bretaña le tubiera, no hubiera omitido diligencia tan facil, quanto eficaz para el intento.

10. Tambien prueva lo contrario de la cedula ó carta de donacion que expresa el informe del consejo de Carolina, la incompatibilidad de haber el mismo Señor Don Carlos 2°., en el año de 1688, no solo aprovado la expedicion practicada contra los Ingleses poblados en Santa Elena por el Governador Don Juan Marques Cabrera, sino haver encargado y mandado á su subcesor Don Diego Quiroga prosiguiese en la operacion hasta conseguir su

total desaloxo, por ser dominio perteneciente á la Corona de España, embiandole á este fin cien hombres de refuerzo, armas, pertrechos y municiones, segun se ha visto en el capitulo 5°. parrafo 8°.

11. El que los Españoles despues del año de 1702, en que abandonaron aquellas tierras, no las hubiesen poseido y cultivado jamas, como refiere el consejo y asamblea, no quita el derecho de dominio que tenia la Corona de España á ellas, como todo racional save; antes bien, contestando en esta fecha con la informacion dada ante Don Antonio Benauides; concluye que hasta el citado año de 1702 estubieron los Españoles en posesion, en cuya consequencia debe libremente asegurarse ser supuesto el citado instrumento de donacion del Señor Don Carlos 2°., pues, constaran las ordenes de S. M. que necesariamente debia haver expedido para que sus vasallos que habitavan indisputablemente el pais de que se trata se retirasen y dexasen la posesion á los Ingleses.

12. Aun es mayor prueva que confirma las antecedentes, el que el Duque de Neuncastle, despues de la citada informacion que expone, acava su carta diciendo: que sin entrar en

mas largo discurso quiere (*sic*) el Rey su amo suspender su juicio sobre este asunto hasta el arrivo del Governador Nicholson, de quien recibiria mas amplio informe que pudiese tenerse en este negocio sobre el qual executaria todo quanto se pudiese esperar para la satisfaccion de la Corona de España, y que no obstante, afin de que no faltase nada por parte de S. M. B. para complacer al deseo de S. M. C., le habia mandado escribiese á los que estan encargados del govierno de la Carolina durante la ausencia de dicho Nicholson, fuesen á verse con el governador Español, afin de aclarar quanto fuese dable esta materia, é informasen con distincion, de cuya resulta daria quenta á Don Jacinto de Posobueno.

13. Si realmente existiera en los anales de Inglaterra el instrumento de cedula ó carta de donacion del Señor Don Carlos 2°., ¿ que dudas pudiera haver que obligasen á S. M. B. á suspender su juicio ? ¿ Ni que embarazo se ofreciera para acreditar con las obras los deseos que tenia de satisfacer á S. M. C. ? ¿ Ni que le hacia el arribo á Londres de Nicholson ni su informe? ¿ Ni que del caso eran las ordenes á los del govierno de Carolina, para que ventilasen la materia con el governador de la Flo-

rida, siendo nada tanto ni mas del asumpto que la presentacion de la misma cedula?

En cuya atencion, se deja á los Ingleses la solucion del punto: realmente las resultas dicen y declaran que jamas hubo tal cedula de donacion; pues, habiendose visto en el Consejo de Indias la respuesta referida del citado Duque de Newncastle, juntamente con la expresada informacion que incluyó con los antecedentes de la materia, con consulta del fiscal, resolvió S. M. C. repetir, con fecha en Madrid de 22 de Junio de 1725, al Governador de la Florida, lo que le habia mandado por los precitados despachos de 10 de Junio y 8 de Agosto de 1724, y que en su intelixencia sin la menor omision, executase las diligencias que por ellos se le habian ordenado, con la prevencion de en caso de que la Corte de Inglaterra no hubiese dado las ordenes al governador de la Carolina, ó en el de que este no concurriese al reglamento de limites acordado, le citase por su parte para la execucion de dicha demarcacion; y de executarse á ello le mandó que, con asistencia de personas practicas, pasase y practicase la diligencia por si; y que si resultase de ella hallarse contenido el fuerte en dominio de S. M. C., requiriese al governador

de Carolina para que le demoliese, sin permitir que por modo alguno se conviniese en la alternativa que se proponia por la Corte de Londres del equivalente por el dicho fuerte.

14. *Diligencias del Governador de la Florida sobre el arreglo de Limites de su jurisdiccion y la Carolina:** Llegados que fueron á mano de Don Antonio Benauides las expresadas ordenes, puso en practica su observancia, nombrando á Don Francisco Menendez Marquez, Contador Propietario de la Real Hacienda de San Augustin y provincias de la Florida, y á Don Josseph Primo de Rivera, Capitan de Cavalleria y Comandante de la Plaza, como sugetos de confianza y actividad; y confiriendoles pleno poder para que, representando su propia persona, pasasen á decidir con el governador Ingles la demolicion del fuerte y la division de territorios, que los dos Monarchas, Catolico y Britanico, mandavan efectuar; instruidos del antiquisimo derecho que tiene la Corona de España hasta los 36 grados 30 minutos, les prescribió por limites definitivo solo hasta la isla de Santa Elena en 32 y medio, por el qual debiesen quedar señalados los terminos de una y otra jurisdiccion por la parte del norte,

* En los Archivos de San Augustin y de la Havana.

y por la del oeste la distinguiesen y declarasen por el mismo paralelo de los referidos 32 grados y medio, hasta las Provincias de Talapuzes y Cauetas, naciones subyugadas á la dominacion de Españoles, cuias tierras havian habitado hasta el año de 1692, y encargandoles tubiesen siempre presente el tratado de 1670 para no pretender mayores extenciones, en fuerza de la buena fe con que debia observarselo en el extipulado, se presentaron en Carolina.

15. En el primer consejo que se juntó despues del arrivo de los mencionados Don Francisco Menendez y Don Josseph Primo á que fueron convocados, manifestada su diputacion con los despachos de S. M. C. y B., representaron á dicho consejo quanto en el asunto les pareció mas conveniente, y adjustado á las leyes del derecho indisputablemente savido de la Magestad Catolica; y la solucion que consiguieron fué que no se hallava aquel govierno con ordenes directas de su Rey sobre la materia, y que á tenerlas executaria sin contradicion lo que se proponia, pero que luego que las reciviese se dispondria la concurrencia, para el cumplimiento de lo que los dos soveranos mandaban, y con carta de 10/21 de Septiembre de 1725 de Mr. Meddleton, go-

vernador por ausencia de Nicholson, que estaba en Londres, al de la Florida, reiterandose en la respuesta dada por el consejo, añadió que hasta tanto que no tubiese particular orden del Rey su amo, mantendria el fuerte y disputa de sus territorios, en lo que pondria especial cuidado en fuerza de su obligacion.

16. Vease, pues, del modo que quedaron eludidas las repetidas instancias de la Corte de España sobre la indebida construccion del fuerte del Tamaja, y las convenciones de ambas coronas, de que los dos governadores se comunicasen las ordenes para el arreglo de los limites y finalizacion de estas controversias.

17. Verdaderamente faltan voces con que significar este genero de mala fee practicada con tanta perfidia, aunque se ignoró entonces de parte de quien estubo, si de la Corte de Londres, en no haver dado las ordenes convenidas, ó del govierno de Carolina en haverlas negado; solo se save que no habrá nacion, ni politica ni barbara, que no se admire viendo quebrantadas las leyes de amistad y buena correspondencia con tanto descaro, violado sin disimulo la religiosa fee de los tratados, tiranizado el derecho de las Gentes, atropellado el orden de la justicia, y en fin se

verifica y prueba plenamente la usurpacion del dominio Español hasta Santa Elena, por lo propio que los Ingleses huyeron la cara á la contestacion y á cumplir con lo pactado entre las dos cortes.

18. Aun mas que todo deve extrañarse que el año de 1735, asegurando el Ministerio Britanico á Don Thomas Gerardino, Ministro Plenipotenciario de Su Magestad Catholica en Londres, que Don Diego Ogletorp, destinado á la Carolina, llevava consigo las ordenes de arreglar sus limites en concurrencia y de conformidad con el governador de la Florida, fuesen tan contrarias las que le manifestó á su arrivo, que contenian que hubiese de poblar todo lo que no lo estubiese, accion muy conforme á la patente que expidió el Rey Britanico en 9/20 de Junio de 1732, en que dispone de los dominios de aquel continente, y aun del mar, concediendo á la compañia formada para el establecimiento de la colonia de Nueva Jorgia quanto no estubiese poblado por vasallos de Inglaterra, conecion ex diametro opuesta al tratado de 1670, que excluye de su derecho todo lo que en aquel año no tenian ni poseian, siendo asi que este es el fundamento y principio por el qual deven ser arreglados los

limites de las dos jurisdicciones; pues, es forzoso que los Ingleses, desengañados, depuesta la injusticia con que poseen el territorio en question, lo restituyan á la corona de España, evaquandola enteramente, retirando la colonia de la Nueva Jorgia y sus fortificaciones, pues no es posecion que tenian en el referido año de '70, y es terreno que los Españoles habitavan.

19. *Oficio del Governador de la Havana a Don Diego Ogletorp:* Reconvenido Ogletorp de parte del Capitan General de la Isla de Cuba, Don Juan Francisco Guemez y Horcasitas, por un oficial que embió á la Nueva Jorgia desde la Havana el año de 1736, de la indevida posesion de las treinta y ocho leguas de jurisdiccion norte sur que habia ocupado, que tantas comprehendian las poblaciones en que estaba entendiendo en dominio del Rey Catolico, y en su real nombre intimadole se retirase, evaquando y desalojando quanto injustamente habia poblado, con tan conocida fraccion, desde la Isla de Santa Elena inclusive hasta el Rio San Juan: despues de varias conferencias y devates con dicho oficial en que Ogletorp abultó derechos supuestos, alegando

que* aquel pais habia sido descubierto y conquistado por Sevastian Gavoto el año de 1497, con despachos de Henrrique 7°. de Inglaterra, el que subcesivamente habia sido sobstenido por Don Francisco Drake, que por orden de la Reyna Ysauel habia tomado y destruido el fuerte de San Augustin, y que por los Reyes Jacobo 1°., Carlos 1°. y Carlos 2°. se habian concedido á los Señores en Propiedad todas las tierras hasta los 29 grados. Convencido de las fundadas replicas que el citado oficial le hizo, y de las instancias sobre su retirada total, convino en quitar y demoler enteramente el fuerte y poblacion de San Juan, lo que executó inmediatamente.

20. No hay author de quantos hablan del viage que hizo Gaboto que diga que llegase á los 29 grados; veanse todos los que han escrito de las Indias Occidentales y se reconocerá que contextemente refieren que su descubrimiento fué desde 60 grados para el norte.

21. Juan Baptista Rhamucio, en el folio 4°. de su discurso sobre el 3°. volumen de sus Navegaciones expone que "Gaboto navegó á

* Respuesta que dió por escrito Ogletorp al Oficial embiado, que para en su poder y en el Archivo de la Havana.

Nueva Francia á expensas de Henrrique 7°., Rey de Inglaterra, y llegó hasta 67 grados y medio de latitud, encontrando siempre mar abierto y navegable, imaginando descubriria camino al Gran Catay, pero que en medio de sus ideas se le reboltó el equipage y le precisó á bolverse." En el discurso sobre la tierra del Labrador, folio 417, dice que "á costa de Henrrique 7°. descubrió la de Bacallados, llegando al grado 67, de donde le hizo retirar el frio."

22. Francisco Bacon de Verulamio, author de la historia particular de Henrrique 7°., como subceso propio de ella, quenta que "Sevastian Gaboto, emulando á Xpl Colon, congeturando que á la parte septentrional de las Indias Occidentales habia muchas tierras, hasta entonces no conocidas, las que descubriria el, fundado en mas firmes congeturas que Colon, instó á Henrrique 7°. para que le patrocinase, asegurando hallaria una isla abundante de riquezas y mercaderias, y persuadido S. M. B. de su eficacia, le dió un navio prevenido de lo necesario, con el que salió, y navegando al oeste quarto al norte, llegó hasta la tierra del Labrador en 67 grados y medio de latitud, hallando siempre mar abierto y navegable."

23. Nicolas de Fer asegura que "los bancos en que van á pescar bacallados los descubrió Gaboto, con las Islas de Terranova," y Juan Federico Bernardo en la recopilacion de los viages al norte, folio 19, dice, "que Juan y Sevastian Gaboto y otros Venecianos partieron de Inglaterra de orden de Henrrique 7°. y que á su buelta dieron relacion de algunos paises situados al noroeste."

24. Pedro Martir de Angleria refiere que "Gaboto corrió la orilla de la Tierra de Bacallados;" y es de advertir que á este author debe darsele entero asenso, asi por sus creditos, erudicion, y desvelo, como por que hallandose Consegero de Indias, ó con el destino para los negocios de ellas, logró al tiempo de escrivir sus *Decadas*, los mas seguros informes, tratando continuamente con los descubridores, y con especialidad con Gaboto, con quien tubo muy estrecha comunicacion, con el motivo de que el Rey de España en el mes de Septiembre del año de 1512, entendiendo de algunos cosmographos haver un estrecho de la parte de la tierra de los Bacallados, escrivió á Milord Williby,* Capi-

* Cardenas, en su introduccion á el *Ensayo Chronologico*, parrafo 15°.

tan General de Inglaterra, se lo embiase, lo que executó luego (como cosa que le importaba poco), y á su arribo á España fué hecho capitan, con su residencia en Sevilla; por cuya razon debe creerse que necesitando del patrocinio de Angleria para adelantar su fortuna, le manifestase la carta de su navegacion y su diario.

25. Como quiera que sea, es claro que el viage de Gaboto no fué de ninguna consecuencia de derecho á la Corona de Inglaterra, asi porque no tomó posesion en region alguna, habiendose contentado con ver las costas solamente (como dice Luis Morrery en su gran Diccionario Historico,*) bolviendo sin tomar conocimiento de la tierra ni hacer experiencia alguna, segun refiere Herrera, como por que no tienen conexion las tierras de Bacallados, de Labrador, y Terranova con la Florida en general, y mucho menos con la particular de la Provincia de Guale y Santa Elena, de que se trata; y si el derecho de Inglaterra á estos dominios es prosedido sin disputa del descubrimiento de Gaboto (como alegó Ogletorp), diga este y todos sus apasionados que á que fin consintió la Corte de Lon-

* En la palabra "Florida."

dres en el Articulo 7°. del tratado de Madrid de 1670 quedase la Corona Britanica privada de este derecho, y admitiese la posesion de las tierras que tenia entonces en las Indias Occidentales, por mera gracia y consentimiento de la España; prueva de la ninguna subsistencia y fundamento que la Gran Bretaña podia alegar á favor de su derecho en virtud del descubrimiento de Gaboto.

26. Atento á las referidas razones por las que queda con fundamento negado el antecedente del argumento de Ogletorp, se sigue por naturaleza destruido el consequente que alegó del saqueo y quema de San Augustin practicado por Don Francisco Drake, por que si este por semejantes medios quiso sobstener subcesivamente el titulo adquirido por el descubrimiento de Gaboto, siendo este chimerico y falso en fuerza de lo provado, lo son forzosamente las resultas.

27. En las Actas de Parlamento de Inglaterra, y en las disposiciones de la Reyna Ysauel, no constan ordenes á Drake que le instruyesen del motivo directo de la expedicion contra San Augustin, distintivamente afin de su recuperacion, requisito necesario para que en algun modo se verificase que en su

inteligencia era pais mal poseido de los Españoles; bien si es notorio que el motivo que tubo la Reyna Ysauel* para embiar á la America al Conde de Carlisle y á Drake, con dos mil y trescientos hombres de tropas en veinte y un navios de guerra, fué que, provocadas descubiertamente las armas Españolas contra si, por los socorros embiados á Flandes en virtud de publico tratado entre S. M. B. y los Estados Confederados, con aquellas condiciones tan savidas de Flecinga y Ramichin en Zelanda, y de Brila en Olanda, puestos principales en las costas de aquellas provincias, cedidos en rehenes á la Gran Bretaña, recelosa de que el Rey de España no se daria por satisfecho de las razones para esta alianza, que la Reyna publicó en su manifiesto† y que S. M. C. consideraria los citados socorros dados á vasallos reveldes á su corona, como una declaracion de guerra, S. M. B. quiso anticiparse, y á este fin embió el armamento de Carlisle y Drake, sin señalarles obgetos determinados para esta expedicion, en cuya consequencia con sus fuerzas saquearon á Santo Domingo, y despues á Cartaxena, y

* *Historia de Inglaterra*, por Rapin, Reynado de Ysavela, tomo 2°., pagina 122.

† *Actos publicos de Inglaterra*, Capitulo 15°. y pagina 799.

bolviendose á Europa, de paso quemaron á San Juan de Pinos y á San Augustin de la Florida, de cuyas operaciones se vee claramente que los citados comandantes obraron en esta campaña como enemigos de la Corona de España y no como mantenedores del derecho al pais de la Florida, adquirido por el descubrimiento de Gaboto, como Ogletorp supuso al oficial.

28. No habrá quien no conozca que si Drake hubiera tenido ordenes de su Corte de quitar a los Españoles, con titulo de restauracion, el pais que poseian en el Continente de la Florida, despues de su vencimiento (logrado sin contrarios, retirados en San Matheo), hubiera puesto segun prescriven las reglas, guarnicion Inglesa, y continuado su hazaña por tierra ó por mar, hasta consumar perfectamente la obra (si hubiera podido) en cumplimiento del fin de la Corte Britanica; pues, sin embargo de setecientos hombres que le faltavan, muertos de enfermedad, se hallava con fuerzas sin comparacion mayores á las de los Spañoles, para siquiera intentar su consequcion; pero apenas saqueó y quemó á San Augustin y la fortaleza, bolviendo á embarcar sus tropas se hizo á la vela con inten-

cion de ir á Santa Elena y hostilizarla, pero sobreviniendo una recia tempestad que separó las fuerzas, de modo que no bolvieron á juntarse hasta Inglaterra, arrivó Drake á Virginia, adonde encontró algunos Ingleses de aquellos que Walter Releigh habia llevado allí pereziendo, que le obligó á embarcarlos, operaciones todas que indican lo contrario de lo que Ogletorp arguyó al oficial, siendo cierto que si el intento de la expedicion hubiera sido de conquista no hubiera Drake abandonado las presas.

29. En quanto á que los Reyes Jacobo 1°., Carlos 1°., y Carlos 2°. habian concedido á los Señores en Propiedad todas las tierras hasta los 29 grados, ni es verdad, ni es argumento de justificada potestad, pues no podian por falta de derecho; y asi dichos reyes solo dieron patentes de posesion del pais hasta Charlestown inclusive, como se ve en los condados, señorios, y baronias de Eduardo Conde de Clarendon, de Jorge Duque de Albermal, de Guillermo Conde de Crevan, de Juan Señor de Berkely, de Jorge Carteret, de Juan Coleton, Caballeros de Baronets, y de Antonio Señor de Ashley, que todos estan comprehendidos en las jurisdicciones de la

Carolina del Sur, segun se rexistra en todos los mapas, y es notorio á todo el mundo; en cuya inteligencia claramente parece que Ogletorp, confundiendo los derechos anteriores con los posteriores, quiso que la consecucion limitada hasta Charlestown del sur se estendiese hasta los 29 grados solo por que el lo dijo, quizá sin mas autoridad que haverlo soñado, y sin advertir que el pais de que se trata estaba avitado por los Spañoles en tiempo que los referidos reyes expidieron las citadas patentes, y no tener presente que si los Señores arriba nombrados hubieran tenido mayores consecciones en sus patentes, no hubieran dejado de ampliarlas, provandose que no lo hicieron; con que los Spañoles hasta el año de 1702 no dejaron voluntariamente desocupadas y desiertas todas las tierras comprehendidas desde el Rio San Juan hasta Santa Catharina, cuyo territorio empezaron á poblar indevidamente los Ingleses de Carolina en el año de 1718 con aquel fuerte en San Simon, Tamaja, ó Bocas de Talaxe, sobre que se ha tratado en este capitulo, el que tambien abandonaron el año de 1727, manteniendose despoblado hasta que se formó la Compañia de Nueva Jorgia á quien S. M. B. reinante concedió su patente el

año de 1732, en que dispone de los dominios de aquel continente, concediendola quanto no estubiese anteriormente ocupado por vasallos de Inglaterra.

30. Reparece quan clara y distintamente se vé comprovado asi por los hechos posteriores á las patentes citadas por Ogletorp como por el contexto de la concedida á la Compañia de la Nueva Jorgia, que este territorio en question jamas ha sido dado por los Reyes de Inglaterra á ninguno de sus subditos, y que lo que Ogletorp pretextó al oficial fué con convencida equivocacion ó malicia, supuesto á que si los predesesores del Rey Britanico reynante hubieran dado en propiedad á los referidos Señores estas tierras de que se habla, no hubiera podido formarse la Compañia de la Nueva Jorgia, ni hubiera territorio en esta parte desocupado, como supone haverlo la misma clausula de la Patente otorgada á favor de la citada Compañia; luego los señorios, condados, y baronias de los Señores nombrados en el parrafo antecedente, no pudieron ni debieron tener mas extension que hasta la Carolina del Sur inclusive.

31. Por ultimo, si Ogletorp hubiera realmente sabido que las tierras que estaba po-

blando actualmente pertenecian por justos titulos á la Corona de la Gran Bretaña, y que la pretencion de los Spañoles era mal fundada, en cumplimiento de su obligacion y mediante á la justicia que en este caso tendria de su parte, le hubiera sido facil convencer con ella al oficial de la Havana, y consiguientemente hubieran quedado sin efecto las instancias y reconvenciones que este le hizo, para que demoliese el fuerte erigido en San Juan y retirase enteramente aquella poblacion; y pues, resultó de sus conferencias, como se ha visto, que el Ingles abandonase totalmente el referido puesto; no ay duda que no tenia razones solidas que alegar en contra de las que le representó el citado oficial á favor del derecho del Rey su amo.

32. Por todo lo expuesto no debe dudarse que S. M. B. quedara informado con toda precision del real y verdadero estado de la materia y de los lexitimos titulos con que S. M. C. ha reclamado siempre y reclama la colonia entera de la Jorgia como perteneciente á su corona, y en esta atencion debe creerse que plenamente satisfecha la Corte Britanica, cesan enteramente estas diferencias y mande demoler y desocupar los fuertes y terrenos que ocupan los vasallos de S. M. B.

33. No podrá la Corte de Londres ignorar los fundamentos sobre que estribaron los oficios que pasó Don Thomas Gerardino de orden de sú soberano en dos de Octubre de 1736 y 8 de Agosto de 1737, ambos en este asunto, por que inteligenciada del indisputable derecho de los Reyes de Spaña á este dominio en question, no insistirá en la duda de si los limites de aquella jurisdiccion estan ó no demarcados en el tratado de 1670, como insistió en carta del Duque de Newcastle fecha en Hampton Court en 2/13 de Septiembre de 1737, en respuesta á los citados oficios de Don Tomas Gerardino, expresando en ellas*, que no save el Rey Britanico considerarse con que pretexto deba formarse por España esta demanda, y que habiendo mandado se examinase con cuidado el referido tratado y el de Utreque de 1713, le habia dado orden para que hiciese presente al Ministro de España no habia en ellos demarcacion alguna particular de los limites de dichas provincias, y que especialmente el articulo 7°. del de 1670, segun el qual S. M. B. estaba de acuerdo que las posesiones respectivas en la America

* Carta del Duque de Newncastle; existe en la Secretaria de Govierno de la Capitania de la Havana.

devian estar arregladas, bien lejos de contener alguna descripcion ó reglamento de esta naturaleza, no prescrivia otra regla que la de la posesion.

34. No se aparta un punto la Corte de Madrid de la regla de posesion prescripta en el tratado; antes bien, su instancia se reduce á querer que se observe, pues dicha regla de posesion clara y expresamente difine que se entiende y debe entenderse de las regiones, islas, colonias, y dominios que tenia y poseia la Gran Bretaña en el referido año, que es lo propio que excluirla totalmente de las que no tenia ni poseia; y como quiera que los principios medios y fines de esta obra han puesto en claro que la Inglaterra en el año de '70 no tenia ni poseia otro territorio en esta region que desde la Virginia hasta Charlestown inclusive, y que lo restante para el sur era habitado y dominado por los Españoles, se sigue por precisa consequencia que el articulo 7°. del tratado referido constituye ál Rey de la Gran Bretaña por dueño del dominio hasta dicho Charlestown, y á los Españoles hasta Santa Elena, de cuyas jurisdicciones ambas naciones estavan en posesion.

35. De aquí nacen las invencibles razones por las que no se demarcaron distintivamente los limites de los dos territorios que la Corte de Londres a hechado menos, sin hacerse cargo que era inutil diligencia, respecto que las palabras del articulo 7°. no dexavan duda ni lugar á la interpretacion, pues dicen que "los Reyes de la Gran Bretaña, sus herederos y subcesores, con pleno derecho de sumo imperio, tendran y poseeran perpetuamente todas las tierras, regiones, insulas, colonias y dominios en la India Occidental que tienen y poseen al presente bajo del nombre del Rey Britanico."

Y asi, que mas clara descripcion y particular demarcacion de limites quiere la Corte de Londres encontrar en el tratado, que la misma posesion en que estaba una y otra nacion en el año de '70; de suerte que si la Gran Bretaña hubiera poseido mas terreno hacia el Sur de Charlestown, ó menos hacia el norte, nunca pudiera ofrecerse controversia ni duda en los confines; por que su termino es difinido expresamente, con la concesion de las tierras que tenian, en aquel acto, explicado en aquellas palabras, "que tienen y poseen al presente bajo del nombre del Rey Britanico."

36. No puede menos de hacerse observar á la Inglaterra que dado caso (que no es posible) que las palabras del articulo no fuesen tan expresas y claras, y esto mediante hubiese motivo de duda en los limites, no debiera considerarse que este defecto constituia á la Gran Bretaña en mas derecho que á España, para la pretension de lo que fuere opinable, por que no ay titulo ni prerrogativa por donde pudiera querer la preeminencia; bien si al contrario, atendiendo (como es debido) á la razon generica de los principios y al origen del primitivo derecho de adquisicion ó primer ocupante de S. M. C. al dominio de todas las Indias Occidentales, cesaria toda disputa, por que deberia en lo favorable adjudicarse con preferencia á la Corona de España qualquiera territorio que no estubiese difinitivamente claro, y no á la de Inglaterra, quien siquiera no tendria á su favor la menor presumpcion ni fundamento para esta adjudicacion.

37. En consequencia de tan poderosas razones, es de estrañar que el Ministro Britanico deduzga del tratado unas consequencias tan disonantes como lo son las de decir en la continuacion de la citada carta del Duque de Newcastle que "de las palabras del referido

tratado se infiere que los predecesores de S. M. B. no solamente estubieron en posesion del dominio que tiene el nombre de la Carolina Meridional antes de la conclusion del tratado, pero tambien de la parte de la dicha provincia que se llama oy la Jorgia, y que habian acordado tambien á sus subditos antes que se hiciese el dicho tratado el pais entre los 36 grados 30 minutos y los 29 inclusive de latitud septentrional, lo que compreende no solamente la Carolina Meridional, pero tambien toda la provincia y pais llamado Jorgia, que ha sido poseido siempre despues como parte de la Carolina Meridional por los subditos de S. M. B., en virtud de las patentes que se le han acordado, y los limites que se señalan aquí se han reconocido publicamente y consentido siempre;" añadiendo el citado ministro, que se habia tenido cuidado que las Cartas Patentes concedidas por su Soberano á la Compañia de la Jorgia en el año de 1732 no llevasen mas extensiones que las acordadas por los predecesores de S. M. á sus subditos.

38. Buen modo de arguir por cierto; no habrá viviente que pueda convencerse con semejantes argumentos, y que no diga libremente que el tratado de ningun modo pre-

scrive tales antecedentes, de que devan inferirse alegaciones por el termino, pues no ay voz en todo el que preste el menor sentido, de que "los predesesores de S. M. B. no solamente estubieron en posesion del dominio que tiene el nombre de Carolina Meridional antes de la conclusion del tratado, pero tambien de la parte de la dicha provincia que se llama oy la Jorgia."

Y al contrario se halla que determinadamente señala los terminos que deve gozar cada una de las dos naciones en aquellas palabras de que "la Gran Bretaña sus herederos &ª. poseeran y tendran perpetuamente todas las tierras &ª. que tienen y poseen al presente bajo el nombre del Rey Britanico:" que es lo propio, sin replica, que las que no tenian ni poseian antes de la conclusion del tratado no podian ni devian tener ni poseer despues.

39. Para que la Gran Bretaña pudiera pretender algun viso de propiedad al territorio que oy ocupa con el nombre de Jorgia, no solo seria suficiente que hiciese constar estaba desierto, y desocupado de todo genero de vivientes, desde antes del año de '70, sino que alegase y provase dos imposibles; el uno que antes del tratado lo tenia y poseia la Ingla-

terra; y el otro que los Españoles no eran dueños ni habitantes, como lo eran realmente el mismo año de su celebracion afin de que pudiese recaer con alguna lexitimidad en la Corona Britanica la posesion concedida, por combenio del articulo 7°., como recayó en ella la de las demas regiones.

40. A estos intentos (tan entre si contradictorios) seria tambien indispensable que las fechas de las patentes otorgadas á la Compañia de la Nueva Jorgia fuesen anteriores al año de '70, y no de 62 años despues de su celebracion; saviendo todo el mundo que fueron concedidas en el de 1732, y asi como quiere el Ministerio Britanico (sin que cause admiracion y espanto) inferir consequente que "los predecesores de S. M. B. estubieron en posesion del dominio que se llama Jeorgia antes de la conclusion del tratado": si las inconsequencias de si mismas se manifiestan.

41. No abrá quien no vea que era necesario que los subditos Ingleses que poblavan este territorio tubiesen la gracia de invisibles, la precision de vivir incompatiblemente incorporados con Españoles que se mantuvieron en el hasta el año de 1702, sin saverlo nadie, y la obligacion de haverse transmigrado á otra

parte despues de la formacion de la Compañia de la Jorgia; pues es constante y notorio que esta provincia no ha tenido ni tiene otros vecinos que los que trajo Ogletorp consigo para poblarla y los que subcesivamente ha remitido despues la referida Compañia.

42. Por lo que toca á lo que el Ministerio Britanico quiere inferir del tratado, "de que los predecesores de S. M. B. habian acordado á sus subditos antes que se celebrase, el pais entre los 36 grados 30.minutos y 29 inclusive, &ª.," prescindiendo de todas las pruevas dadas de lo contrario y admitiendo lo inverosimil que fuera siendo como eran los vasallos de España dueños actuales, se replica, que en ninguno de los articulos que se contrataron se halla palabra ni vox que dé indicio de haver la Corte de Spaña tenido la menor noticia de las concesiones que dice, ni se encuentra huviese S. M. C. reconocido ni consentido en que los limites se arreglasen en virtud de las patentes de la Gran Bretaña y mucho menos que la provincia y pais llamado Jorgia haya sido poseido siempre como parte de la Carolina Meridional.

43. Aquellas palabras del articulo 7°,"Tendran y poseeran perpetuamente todas las

tierras, regiones, insulas, colonias y dominios en la India Occidental vajo el nombre del Rey Britanico," aluden clara y expresamente solo á lo que sus vasallos tenian y poseian como tales ocupantes, y no de modo alguno á conceder á la Gran Bretaña los paises que en su mente tenia otorgados á sus subditos por las patentes, asi por que estas no los constituian en posesion, como por que la Corte de Spaña las ignorava totalmente, y que no era dable imaginase que S. M. B. hubiese dado posesion á sus vasallos de terreno á que no tenia derecho, y que los Spañoles gozaban en pleno dominio mas de cien años antes.

44. Es cierto que para que en ningun tiempo pudiesen los Spañoles disputar á la Inglaterra la posesion del pais de que se trata, era necesario que en el tratado se hubiera extipulado entre las dos cortes del modo siguiente: "que los Reyes de la Gran Bretaña sus herederos &ª. poseeran y tendran perpetuamente, *no solo* todas las tierras &ª. que poseen al presente bajo el nombre del Rey Britanico, *sino tambien aquellas de que hubieren dado anteriormente patentes a sus vasallos hasta los 29 grados inclusive;*" asi mismo que se hubiera añadido el "*sin embargo estubiesen avitadas*

por Españoles:" de esta manera si, que la Inglaterra poseyera con legitimo titulo de propiedad la Provincia de la Nueva Jorgia y S. M. C. no tubiera derecho para insistir en las justas pretenciones que insiste, sino que luego que se celebró el tratado hubiera sido precisado dar orden á sus subditos para que demoliesen el antiguo fuerte de Santa Elena y desaloxasen de la Provincia de Guale en que habitavan en el año de '70 y consecutivamente la ciudad de San Augustin y demas poblaciones Españolas hasta la Barra de Mosquitos, inclusive, por compreendidas en los 29 grados, quedarian en fuerza del tratado obligadas á ebacuarse, para dejar á los Ingleses la libre posesion de sus jurisdicciones, circunstancias que no subcedieron ni debian subceder, por que faltaron totalmente en el tratado las condiciones que las debian prescrivir, y que eran necesarias para que la Gran Bretaña tubiese el poder que se requiere en un principe para conceder patentes á sus subditos de poblar dominios, que ni directa ni indirectamente le pertenecian.

45. No es menos del asumpto la palpable inconsequencia en que el Duque de Newcastle se ha visto precisado á incurrir en su citada

carta porque, para alegar á favor de su Corte, tratando de excluir la Corona de Spaña de su derecho, no hizo escrupulo de decir "que en los tratados del año de 1670 y de Utreche de 1713 no hay descripcion alguna ni demarcacion particular de los limites de dichas provincias;" y á parrafo seguido, queriendo inferir del citado tratado de '70 que "los predecesores de su Soberano no solo estubieron en posesion del dominio que tiene el nombre de Carolina Meridional antes de la conclusion del tratado, sino tambien de la parte de la dicha provincia que oy se llama Jorgia," libremente expone que "los limites que se señalan aqui se han reconocido publicamente y consentido siempre;" de manera que no sabiendose como pueda concordarse á un tiempo proposicion negativa y afirmativa en una misma especie, es facil conocer que la Corte de Londres, ofuscada, se apropia en lo favorable lo mismo que niega, é inadvertida niega, en lo contrario, lo proprio que concede, sin reparar que su contradiccion la convence de su sin razon.

46. No ay duda que si la Gran Bretaña tiene en este siglo lexitimo derecho al dominio del pais de que se trata, este proprio tendria el

pasado y el antecedente, tanto por que los Españoles jamas han poseido terreno alguno que no haya sido suyo en propiedad absoluta, quanto por que los Ingleses supieran quando y como lo habian adquirido, y en este caso, desde que empesaron estas controversias (que tal vez no se hubieran subscitado) brevemente se hubieran terminado con haver manifestado la Gran Bretaña lexitimos titulos, tales que tubiesen la necesaria fuerza para no solo satisfacer al mundo, sino para impugnar el verdadero derecho de la Corona de España, obscureciendo los echos de sus vasallos, provando por falsos los primitivos descubrimientos de los Españoles hasta los 36 grados 30 minutos de Don Juan Ponze de Leon, de el mayor de sus dos hijos, de Lucas Basquez de Ayllon, de Pamphilo de Narbaez, de Hernando de Soto, y de Don Tristan de Luna, y de este modo fueron invenciones de Españoles conquistas que con tantos trabajos, efucion de sangre y desembolsos de crecidos caudales hicieron Pedro Menendez Marquez y sus subcesores de todas las tierras hasta Santa Elena, con las poblaciones y fortalezas que erigieron, tanto en las costas como en la tierra adentro; fuera soñada la posesion phisica y

real que tubieron los Españoles de Santa Elena y Santa Catharina desde el año de 1566 hasta el de 1686, y de la Provincia de Guale hasta el de 1702; fueran novelas las claras y comprovadas incidias de los Ingleses de Carolina contra los Españoles sus vecinos, practicadas por si y por Indios sus parciales; y ociosos los tratados de Madrid de 1670 y de 1721 y de Utreche de 1713; fueran desvarios de la Corte de España las ordenes á sus ministros y governadores á estos para la recuperacion y conservacion de sus dominios, de fuerza ó de grado, y á aquellos para los oficios que havian de pasar en la Corte de Londres sobre estos asumptos; fueran nulos, imaginarios y supuestos todos los instrumentos, sucesos y echos que justifican plenamente el derecho de la Corona de Spaña, y al contrario fuera fundado y lexitimo el de la Corona Britanica, solo por que sobre su palabra, sin mas authoridad, poder ni justificacion, que el de *Sic volo sic iubeo*; fuera verdadera la cedula de donacion del Señor Don Carlos 2°. sin advertir que si la Inglaterra tubiera legitimidad no la necesitaria, y que si existiera no estubiera oculta; fuera cierto que los Españoles habitaron hasta el año de 1702 las tierras de Guale,

que ahora contiene la Jorgia, y que los Ingleses estavan en posesion de ella al mismo tiempo, siendo asi que el año de 1724 habia solamente quarenta años que habian empezado á comerciar con los Indios del Rio Tamaja; fuera justo que los predecesores de S. M. B. hubiesen acordado á sus subditos los paises hasta los 29 grados antes del tratado de '70, sin embargo de que los de S. M. C. los habitavan; fueran certidumbres las mismas dudas del Ministerio Britanico sobre la materia, no obstante necesitarse de informe de Nicholson, y del consejo de Carolina para instruirse; fuera incontrastable el derecho adquirido por el imaginario descubrimiento de Gaboto sobstenido noventa años despues por Drake, solo por que el primero llegó á ver las tierras de 60 grados para el norte, y por que el segundo á distintos obgetos y por otras razones pasó á la America, saqueó á Santo Domingo, y á Cartaxena, quemó á San Augustin y se bolvió á Inglaterra con 60,000 libras esterlinas de despojos; fuera evidente que en el tratado de 1670 no hay descripcion de limites tratandose de la justicia que asiste á S. M. C. (y los ay respecto á la de S. M. B. por que el Ministerio Britanico estiende su poder hasta

lo imposible, concordando dos contradictorios entre si opuestos); fuera equidad la injusticia; buena correspondencia el quebranto de la religiosidad de las Leyes y del derecho de las gentes; y en fin en el Rey Britanico fuera deseo de satisfacer á Su Magestad Cattholica la provada usurpacion de sus Dominios.

LETTER OF TRANSMITTAL

Illmo Señor:

Mui Señor mio:

El papel adjunto que incluyo, y evidencia los derechos y limites con que deben ser conocidos y arreglados los que pertenecen al territorio de la provincia de San Agustin de la Florida, que por mi disposicion ha formado el Ingeniero en Segundo Don Antonio de Arredondo, ajustado á la verdad de los echos y series de los tiempos, sin que en la mas leve circunstancia pueda ser arguido ni notado de la menor falibilidad, me ha parecido pasarle á manos de V. S. I., por si en alguna parte pudiese contribuir á la mas clara inteligencia y desviar la menor duda ó disputa que pueda

producir la mal fundada comprehension ó malicia para que en qualquiera acahecimiento se tenga presente y conforme á lo que en el se descrive, S. M. se alle enterado de su legitimo, justo dominio en aquellas provincias.

Dios gue á V. S. I. muchos años, como deseo. Havana 4 de Abril de 1742.

Illmo Señor: B. L. M. de V. S. I. su mas rendido mayor servidor.

Don Juan Francisco de Guemez y Horcasitas. (Rubricado).

Illmo Señor Don Joseph del Campillo. Duplicado.

EDITORIAL NOTES

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[1] John Cabot, in May, 1497, in the *Mathew* and with eighteen men, sailed from Bristol across the North Atlantic. He appears to have struck the American coast in the neighborhood of Cape Breton Island. Some have maintained that from there he ran down the Atlantic coast as far as latitude 38° or even as far as Cuba. However, his landfall and the course of his voyage thereafter are both uncertain. The idea that his son Sebastian went with him is now generally rejected by scholars. Though so little is known of the Cabot voyage it was made much of by England for two centuries, as a basis of claims to the North American mainland. In 1498, John Cabot made another voyage for England from which he never returned (Olson, J. E., ed., *The Northmen, Columbus and Cabot*).

[2] The name New Spain (Nueva España) was applied especially to Mexico and the northern borderlands from Texas to California.

[3] Guale was the name applied to the Georgia coast. See Introduction, pp. 1, 9.

[4] Ponce de León's capitulation was dated February 23, 1512. It is generally agreed now that he set sail from San German on March 3, 1513, instead of 1512, although the old accounts give the earlier date. On Easter Sunday, De León first saw the Peninsula in latitude 28° 8′. Sometime between then and April 8 he landed. Turning south he coasted well around the Peninsula. His second patent was dated September 27, 1514. His second expedition was made with two vessels, two hundred men and fifty horses, and equipment for a colony. His landing seems to have been made in the vicinity of Charlotte Harbor. See Lowery, *Spanish Settlements . . . 1513–1561*, pp. 131–145; 157–160; Barcía, *Ensayo Cronológico para la Historia General de la Florida* (Madrid, 1723), 1–6.

[5] Herrera attributes the naming of Santa Elena to one of Ayllón's pilots. He says: "The licentiate Aillón equipped three ships and with them reached the Point of Santa Elena, one hundred leagues to the north of Florida. There was a town there named Orizta, but the Spaniards called it Chicora, because they never could help distorting the words a little. Another place there named Guale they called Gualdàpe. In this region is the River Jordan, which was named by the pilot of a ship who discovered it, who also named the Point of Santa Elena, which was discovered on that Saint's day." (Herrera, *Historia General*, Déc. III, Lib. VII, pp. 241–242.)

[6] Ayllón had come to America with Ovando in 1502. Becoming interested in exploration he formed an association with Diego Caballero. In 1520 they sent Francisco Gordillo in charge of a vessel, with instructions to continue northward to the mainland. Ayllón evidently was not with this expedition. On the way Gordillo fell in with a slave hunter, Pedro de Quexos. In June, 1521, they together reached a land called Chicora, apparently near Cape Fear, ruled by Chief Datha. They took formal possession, captured some Indians, and returned to Española (Haiti) where Diego Columbus ordered the Indians restored to their native country. Ayllón went to Spain, taking with him Francisco Chicorana, one of the South Carolinians, as his personal servant. While there, on June 12, 1523, he obtained the patent which he sought.[1] He was to explore the coast eight hundred leagues, looking for a strait leading to India. In July, 1526, Ayllón set forth from Española with six vessels, a colony of five hundred men and women, and three Dominican friars. On a large river, evidently the Peedee, he founded a settlement called San Miguel de Gualdàpe. Disaster overtook the colony, Ayllón died, and by the following spring the survivors were back in the West Indies (Lowery, *Spanish Settlements . . . 1513–1561*, pp. 153–168); Barcía, *Ensayo Cronológico*, 4, 7–9. Arredondo follows Barcía for his dates.

[7] For a brief account of Narváez's expedition, see Bolton, *The Spanish Borderlands*, 19–25; a longer account is in Lowery, *Spanish Settlements within the present limits of the United States*,

1513–1561, Bk II, Ch. III. See also Barcía, *Ensayo Cronológico*, 9–13, 19–20; Hodge and Lewis, *Spanish Explorers in the Southern United States* (1907); Bandelier, A. F., and Fanny, *The Journey of Cabeza de Vaca* (1905).

[8] De Soto's patent was dated April 20, 1537. Leaving San Lucar on April 6, 1538, he reached Santiago de Cuba in May. Thence he went overland through the Cuban settlements to Havana. There he left his wife to await his return or to be sent for. He left Havana for Florida on May 18, 1539, instead of May 12, as Arredondo gives it. Espíritu Santo Bay where he landed in Florida was Tampa Bay. Lowery, following Oviedo, concludes that he entered this Bay on May 28, and took possession on June 3 instead of June 2. Lowery accepts the date May 21, 1542, instead of June 27, for the death of De Soto. Moscoso reached Mexico City with the survivors of the De Soto party late in 1543, after more than five years of wandering and hardship. Lowery, *Spanish Settlements . . . 1513–1561*, pp. 213–252; Barcía, *Ensayo Cronológico*, 20–22; Garcilaso de la Vega, *La Florida del Inca* (Madrid, 1723), *passim;* Theodore Irving, *The Conquest of Florida by De Soto* (1835); Bourne, E. G., *Narratives of the Career of Hernando de Soto* (1904).

[9] With very few exceptions these names of Indian towns are given in the exact order in which they occur in Garcilaso, *La Florida del Inca*. In a few cases the spelling is slightly different but identification is easy in every instance.

[10] Philip's order to Viceroy Velasco provided for the occupation of two points on the North American mainland. Santa Elena (Port Royal) was designated as one of these; the other was left unspecified. To select the second site and to examine the harbor at Santa Elena the viceroy sent Guido de Bazares from Vera Cruz in 1558, who explored the Gulf coast as far as Mobile Bay. De Luna sailed from Vera Cruz on June 11, 1559, with thirteen vessels, a colony of 1,500 persons, six Dominican friars, and two hundred and forty horses. Several members of the company had been with De Soto. The destination of the fleet was apparently Pensacola Bay, which was to be made a base for establishing a colony at Coosa, in central Alabama,

which had made so good an impression on De Soto. After some difficulty Pensacola Bay (called Santa María by De Luna) was reached on August 14. Before the fleet was unloaded several vessels were destroyed and many persons killed in a hurricane.

Much new information on this episode will be available when Dr. H. I. Priestley publishes the De Luna documents which he is editing for the Florida State Historical Society.

[11] While awaiting new supplies from Mexico a thousand colonists went inland to Alabama River, and an exploring party penetrated farther north to Coosa. Returning with his colony to the coast, De Luna was replaced in the command by Villafañe. After an unsuccessful attempt to settle at Santa Elena the enterprise went to pieces in 1561. Lowery, *Spanish Settlements . . . 1513–1561*, pp. 351–377; Barcía, *Ensayo Cronológico*, 32–41; Dávila Padilla, Fray Augustín, *Historia de la Provincia de Santiago de Mexico* (Brussels, 1625), 189 *et seq.*; Greenhow, Robert, *The History of Florida, Louisiana, Texas, and California*, etc., Vol. I (N. Y., 1856), 119–125, 357–362.

[12] In 1555 Coligny sent Villegaignon to plant a Huguenot colony in Brazil. Six years later he organized an expedition for North America. Ribaut, the leader, set sail February 16, 1562, and on April 30 reached the Florida coast in latitude 29° 30′. The San Juan River was reached on May 1, and named River of May. Ribaut erected a column there. Eight rivers farther up the coast were named Seine, Somme, Loire, Charente, Garonne, Gironde, Belle, and Grande. Entering the harbor at Santa Elena he named it Port Royal, erected a column, and left a garrison of twenty-eight men under Albert de la Pierria, naming it Charlesfort (not Caroline as Arredondo says). On June 11, Ribaut sailed for France.

Things went badly at Port Royal. A fire destroyed the fort, dissensions arose, the commander was murdered, and Nicolás Barré was elected in his place. Reenforcements failed to come, the colonists built a frail vessel, set sail for France, and were picked up on the way by an English vessel when in direst straits. Carolinians have long sought the stone column which

Ribaut erected at Port Royal. It is not strange that they have not found it, because Rojas carried it away in 1564 (Lowery, *Spanish Settlements . . . 1562–1574*, pp. 28–48; Parkman, *Pioneers of France in the New World*, "The Huguenots in Florida," chapters 2–6; Barcía, *Ensayo Cronológico*, 43–45).

[13] Arredondo here is following Barcía, who states that the fort was named Carolina, and that it was left in charge of Albert Ribaut. But Ribaut himself states (*Narrative of the First Voyage of Jean Ribault*, in French, *Historical Collections of Louisiana and Florida. Second Series. Historical Memoirs and Narratives, 1527–1702*, pp. 187–188) that the establishment was Charlesfort, and the captain's name Albert de la Pierria. That the post was called Charlesfort is well established, although at least one French authority states that it was called Caroline (see note 2 on p. 59 of Paul Gaffarel, *Histoire de la Floride Française*, Paris, 1875). Arredondo's arguments on this question are therefore not well founded.

[14] Laudonnière had three hundred colonists. June 24 is the accepted date for the arrival at San Juan River. Fort Caroline (not Charlesfort) was erected on the bluffs or high banks of the river about nine miles east of Jacksonville. Visits were made by the Frenchmen to neighboring tribes; tales of treasure were followed; piratical expeditions were made against the Spaniards of the West Indies. Forced by mutiny and hard times, Laudonnière began to build a vessel in which to escape. At an opportune moment John Hawkins passed by and sold the Frenchmen a ship. Just as the French were preparing to leave, Ribaut appeared with reenforcements and bearing orders for Laudonnière's recall (Lowery, *Spanish Settlements . . . 1562–1574*, pp. 49–100; Barcía, *Ensayo Cronológico*, 45–46).

[15] Philip II had protested Ribaut's first expedition shortly after it sailed. Early in 1563 he warned the governor of Cuba. In May this official sent Manrique de Rojas to remove the French columns. June 11 Rojas reached Port Royal harbor, picked up Rufin, a stray Frenchman, found the French fort and removed the column (Lowery, *Florida*, 45–48). Learning of the departure of Laudonnière and of Ribaut with a third colony,

Philip commissioned Menéndez de Avilés, March 20, 1565, to occupy Florida and expel intruders. August 28 Menéndez entered the harbor where he subsequently founded San Agustín. September 4 he sailed north and attacked the French fleet at San Juan River; returning, on September 6 he founded San Agustín; on the 7th the colonists were landed and on the 9th possession was taken. On September 16 he set out overland for Fort Caroline, which he stormed on the twentieth (Lowery, *Florida*, 101–186; Barcía, *Ensayo Cronológico*, 56–94).

[16] The first site of San Agustín was evidently Santa Anastasia Island. It was moved on May 18–19, 1566 (Merás, *Memorial*, edited by Connor, 182–185). A few weeks later it was "retired further inland" because the sea was eating away the fort (*ibid.*, 200). Lopéz de Velasco, writing about 1574, states that "in 1572 it was moved to the mainland" (*Geografía y Descripción General de las Indias*, Madrid, 1894). If that be the case, the two earlier removals were from one part of the island to another. Dr. Cáçeres tells us in 1574 that "Sancto Agustin, where the fort and people first were, is a small island, and Santo Agustin where the fort and people now are is [almost] another, close to the former, where the fort was at first. This place where it is now is almost an island, for it is nearly surrounded by water, although it is open on one side, where one can pass to the mainland. It is in 29½°, and is three or four leagues long." (Dr. Cáçeres, Havana, November 1574, A. G. I., 54–2–2.)

Four years later Inspector Alonso Flores reported of the fort that the sea was again "eating it and doing it much damage." He recommended that it be moved "one hundred feet further back, out of reach of the water." He also recommended that when rebuilt the alignment should be northeast-southwest, instead of east and west as it then was (Flores, report of inspection, 1578, A. G. I., 2–5–2/10). The sea continued to encroach on the fortification. In 1595 it did great damage to Anastasia Island, the harbor, the fort, and the town. In 1600 Alonso de las Alas reported that the site was bad, "from the fact that the sea has broken in and destroyed the entrance to the harbor, and an island [Santa Anastasia] lying in front of the town, which

was its defense against the attacks of the sea. Consequently the tide entered on the 22d of September of the past year of [15]95 with such fury that it overflowed entirely and overthrew many houses . . . as well as a part of the fort, moving and sweeping away the walls and fortifications on the side of the sea, as a result of the fort being made of timbers and sand and brushwood, the foundation not being solid enough to make it of stone, since by digging one cubit water is found, and since it is all sand. In some of the houses water rose to the height of a man, and not much less in the one that I live in. The sea rose in this manner because behind this place there is another sea and channel called San Sebastián, close to the town of San Sebastián, an Indian town." The flood ruined "a great many fruit trees which had already grown large in the orchards." (Las Alas, Parrafo de una Carta á S. M. January 13, 1600. A. G. I., 54–5–14. See also Lowery, *Florida*, 159.)

[17] For the origin of the name Carlos, see Lowery, *Florida*, 231, and authorities cited by him in note 2.

[18] The Ays garrison left by Menéndez was placed fifteen leagues south of San Agustín. But soon after the Adelantado left for Havana the Indians revolted and drove the colony twenty leagues further south, where they founded a new settlement called Santa Lucía, only to desert it shortly afterward. The "alliance" formed with Carlos, chief of the Caloosas, was contracted by the marriage of Menéndez with the chief's sister. She was taken to Havana to be educated. Menéndez reached San Agustín on his return from Havana and Caloosa on March 20, 1566. There and at San Mateo he learned that mutiny and other disorders had occurred.

[19] Before leaving for Guale, Menéndez divided two hundred and fifty soldiers between San Agustín and San Mateo. As interpreter and guide he took with him Rufin, the Frenchman whom Rojas had picked up at Port Royal. On his way to Santa Elena, Menéndez spent four days at Guale (St. Catherines Island) eighteen or twenty leagues south of Santa Elena (Port Royal). Fort San Felipe was established on a small island, apparently Parris Island, near the site of the French Fort Caro-

line. The Spanish fort (San Felipe), with the aid of the natives, was completed in fifteen days, mounted with six pieces of artillery, and manned by 106 soldiers under Las Alas (Lowery, *Florida*, 244–248).

A memorandum by Dr. Cárçeres, for November, 1574, thus describes the settlement: "Santa Elena, where the fort is, is not mainland of Florida, but a little island. It is one league long and half a league wide, in places much less. The length of it runs from northwest to southeast, and it is in thirty-two and one-half degrees. It has a harbor, and an estuary from the sea like a river runs from the harbor to the port; and from the harbor where the ships anchor to the port it must be a gunshot, a little more or less. Close to the bank of the estuary is the port." The island was then timber-covered, but clearings had been made, sufficient to plant seven or eight bushels of corn. "In the gardens of the houses and huts they plant lettuce, radishes, cabbage, pumpkins, and seed," etc. "This fort is built of timbers and boards made by the soldiers." (A. G. I., 54–2–2. Documento no numerado. 2 pliegos en mal estado. Original y de letra del Dr. Cágeres. Habana, November, 1574.) Four years later (October 12, 1578) Captain Alvaro Flores inspected Santa Elena and reported. There were within the new fort fifty soldiers. The platform, made of heavy timbers, was mounted with five large cannon. The city and fort were now called San Marcos. Fort San Felipe had been "lost." (Inspection by Captain Alvaro Flores, A. G. I., 2–5–2/10.)

[20] In November, 1565, Sancho de Arciniega reached Havana with 1800 colonists and supplies for Florida. In May, 1566, he sailed for San Agustín, reaching there at the end of June (Lowery, *Florida*, 222, 223, 255; Connor, *Pedro Menéndez de Avilés*, ch. 21).

[21] Menéndez's activities during this period were strenuous indeed. Hoping to find a northern passage to Asia, he sent soldiers and friars to found a northern outpost on Chesapeake Bay (Bay of Santa María), but the enterprise fell through. Under orders from Menéndez, Juan Pardo, in November, 1566, with twenty-five soldiers set out "to explore and conquer the

interior country from there to Mexico." He crossed South Carolina to Cufitachiqui, continued thence northwest to the mountains, built Fort Juan at Juada (Xualla, Coava), left Boyano in charge, turned east to the Guatari (Wateree) and returned to Santa Elena. Boyano waged war on the Indians of Chisca in northern Georgia. Then he explored southwest over De Soto's old trail to Chiaha, apparently on the western border of Georgia. Going by Juada, Pardo joined Boyano at Chiaha. One of his men went on the Coosa and returned with a report. Leaving garrisons at Chiaha, Cauchi (Chattahoochee), Juada, and Guatari, Pardo returned to Santa Elena. Within a short time all these interior garrisons were destroyed by the Indians (Lowery, *Florida*, 275–298; Ruidíaz, *La Florida*, II, 465–486).

From Santa Elena and Guale, Menéndez had returned to San Mateo (September 20) and San Agustín. Sending Reynoso to erect a fort at Carlos's village, on October 20 he set sail in pursuit of corsairs in the Caribbean. By January, 1567, Menéndez was back in Havana. Thence he went to aid Reynoso, who was in difficulty at San Antonio, the port in Carlos's country, taking with him the Jesuit Father Rogel. Going north to Tampa Bay, he left a garrison at the village of Chief Tocobaga, returning thence to Havana. Going thence to Tegesta he built a fort and established a missionary there. Thence he returned to San Agustín and to Santa Elena. In May, 1567, Menéndez sailed from Santa Elena for Spain, after a year and eight months of strenuous and efficient labors.

[22] Catherine of France claimed innocence of any intent to encroach on Spanish domains. When she heard of Menéndez's destruction of Fort Caroline she was angry. But her need of Philip's support in her struggle with her Protestant subjects made it impossible openly to strike back. Popular indignation, however, was strong. An account of the attack by Le Challeux, one of the survivors, was published and went through two editions within a few months. A deputation of the widows of the dead soldiers of Fort Caroline went to Paris to appeal. The Queen could not avenge the wrong, so the task was undertaken by a private individual.

Gourgues had a grievance of his own, for he had been captured by Spaniards and had served as a galley slave. It has never been proved that Queen Catherine secretly aided him, but Spaniards will never believe otherwise. It was given out that his objective was the slave trade, and Dr. Shea considered him as "merely a slaver." His commission authorized him to visit the African coasts, which he did. Thence he sailed to the West Indies, where he spent considerable time in trading and other occupations. Lowery says that he had one hundred arquebusiers and eighty sailors "all well armed." He landed on the island of Tacatacuru (Cumberland). Its chief, Tacatacuru, was an ally of Saturiba, whose village was south of St. Johns River. Gourgues learned the situation at San Mateo from Pierre Debray, a survivor of the Spanish attack, who had been rescued by the Indians and had lived among them. When the assault was made on the first outposts "the Spaniards had just dined and were still picking their teeth." The attack was on April 12, first Sunday after Easter. The captives were hanged on trees. A pine plank was inscribed with a hot iron with the words "I do this not as to Spaniards, nor as to Marranos, but as to traitors, robbers and murderers." Lowery does not mention the escape of Villaroel. He (citing Gaffarel) implies that Gourgues was eventually rewarded for his work in Florida.

One of Gourgues' men walked overland from Florida to Tampico. He might have met the Ingram party, members of the Hawkins expedition, going the other way, from Tampico to New England. Gourgues was not by any means the last of the French intruders. An old document, dated in 1572, tells of a band of eighty-seven Frenchmen in the interior, apparently in the New Mexico region, in or before 1572. The authenticity of the old MS. has not been fully established. Bands of Frenchmen continued to harass the Florida coast for a long time.

[23] While in Spain, Menéndez arranged for more Jesuit missionaries, headed by Father Juan Bautista de Segura. They arrived just after Gourgues had left San Mateo a heap of ruins. Father Segura and his band operated for a year at Guale and Orista and then went to Virginia, where they were soon massacred. In

1571 Menéndez returned to Florida for the last time, with six hundred and fifty people for his colony. On reaching Havana he learned of the massacre of Father Segura's band in Virginia, and proceeded thither at once. On July 22 he reached Santa Elena, whose garrison at Fort San Felipe he reënforced. Going to Axacan (Virginia) he hanged eight Indians to the yardarms of his ship. Returning to San Agustín, in April, 1572, he went to Havana, thence to Spain, never to return.

[24] Pedro Menéndez Marqués, nephew of the Adelantado, was appointed by him royal factor of the colony. Marqués left Spain with the portion of the fleet commanded by Estéban de Las Alas, in the capacity of Admiral. The fleet becoming separated during a storm, Marqués reached Havana in command of three vessels. In December, 1565, he was sent back to Spain to bear despatches. He returned to Havana and in January, 1567, accompanied Menéndez to Florida. In August he went with Las Alas to Santa Elena. During Menéndez's absence he was left in charge of the colony and was responsible for much of Menéndez's success. In 1570 he issued an order for the execution of fifteen unruly Caloosa chieftains. In that year he went to Santa Elena and put down a revolt of the Indians, and then proceeded to Havana, where he was made lieutenant-governor. After a short stay he returned to San Mateo to put down a mutiny. When, in 1572, Menéndez departed from Florida for the last time Marqués was left in charge of the colony.

[25] Santa María Bay, reached by Marqués, was the Chesapeake. The report prepared by Marqués was lost, and we have had access only to the fragment or summary given by Barcía. This author tells us that Marqués had no cosmographer and consequently prepared no maps (Barcía, *Ensayo Cronológico*, 147–148; Lowery, *Florida*, 381; Ruidíaz, *La Florida*, II, 731; Connor, *Menéndez de Avilés*, 246.)

[26] Lowery gives the date as September 17, 1574. *Florida*, 383.

[27] In 1584, when Sir Humphrey Gilbert's plans for a colony in America failed, his patent was given to his half brother, Sir

Walter Raleigh. . Amidas Barlowe was sent to look for a site, and he selected Roanoke Island. He reported the name of the country to be "Wingandacoa," but Elizabeth suggested Virginia instead, and Virginia it became. Ralph Lane and Sir Richard Grenville took out a colony in 1585. After several months of hardship the colonists were picked up by Drake in 1586 and carried back to England. They had scarcely left when Grenville brought supplies and left a small garrison. The following year a third colony came out under John White, only to find that the men left by Grenville had been massacred by Indians. White returned to England. The war with Spain now absorbed all England's attention and no relief was sent to the colony till 1591, when White returned to Roanoke Island. The colony had disappeared, no one knows how, or where, even to this day. In 1588 Vicente González examined the whole coast as far as Chesapeake Bay looking for Raleigh's colony, but he saw no signs of it. On July 17, 1588, Governor Marqués wrote: "I sent Captain Vincente Gonzales and a nephew of mine in a vessel very fast of sail and oar, to go running the coast as high as the thirty-ninth degree of latitude, which is above the Bay of Santa María [Chesapeake Bay]. He took skillful men with him, that should the English have settled in that direction, he might make discovery of whatsoever existed. He set out at a good time, in the beginning of June." (Letter of Gov. Pedro Menéndez Marqués to the King, Havana, July 17, 1588. Printed in the *Historical Magazine*, Vol. III, 275–276.) See also, Channing, *History of the United States*, I (1907), 124–130; Ruidíaz, *La Florida*, II, 498; Brooks, *Old St. Augustine*, 79.

[28] Arredondo here gets ahead of his story. He alludes to the founding of Carolina in the seventeenth century.

[29] In 1585 Elizabeth proclaimed an embargo against Spain and issued letters of reprisal to Drake and others. Drake had already made several raids in Spanish-American waters. By August, 1585, he had assembled a new fleet of twenty-one ships and four pinnaces. Two were ships of the Royal Navy. Among the commanders were Martin Frobisher and Francis Knollys. Christopher Carlisle was commander of the land forces. Drake's

orders required him to proceed to ports where English ships were delayed and release them. It was a well matured plan to destroy Spain's commerce and her colonial empire. "The three great centers—San Domingo, Cartagena, and Panama—were each to be taken in turn; while Havana, the rendezvous of all the homeward bound fleets and the key of the whole system, was, if possible, to be permanently occupied, whereby Mexico would be blockaded as completely as Peru, the Central Provinces, and the Spanish Main."

The expedition sailed from Plymouth on September 14; Santo Domingo was taken as a "New Year's gift;" during the same month Cartagena was held for ransom, but plans against Havana failed. Though it was evidently not a part of the original project, Drake then directed his efforts against San Agustín, which he reached May 27. A member of Drake's party wrote: "There was about 250 houses in this town, but we left not one of them standing."—Julian S. Corbett, *The Spanish War*, pp. vi–xv, 69–74; Ynformaçion hecha en S. Agustín de la Florida, sobre la entrada que hizo en aquellas Provincias el cosario Yngles francisco Draque, saqueando, robando y quemando el fuerte donde se hallaban las Cajas Reales y de bienes de difuntos, 1586 (A. G. I., 54-5-9); E. J. Payne and C. R. Beasley, *Voyages of Drake and Gilbert: Select Narratives from the Principal Navigations of Hakluyt* (Oxford, 1909), 268–271).

[30] For a sketch of Guale during these years, see Introduction, pp. 15–19.

[31] Between 1602 and 1606 several English voyages were made to the coasts of New England and Virginia. On April 10, 1606, James I authorized the London Company to settle between 34° and 41°. Most prominent in the London Company and its treasurer was Thomas Smith. The first expedition sent by the company to Virginia was headed by Christopher Newport. Bartholomew Gosnold commanded one of the vessels, the *Goodspeed*. John Smith was a member of the colony and had a seat in the first council. Newport set sail December 19, and followed the usual Spanish route by way of the West Indies. Cape Henry was reached April 26, 1607. In the Indian attack

there two men were badly wounded (Fiske, *Old Virginia and her Neighbors*, I, 55–95). The first patent to the London Company was granted before the Newport expedition sailed. Arredondo gives Gosnold undue prominence in the case. The founding of Jamestown was the occasion for two Spanish expeditions from Florida to Chesapeake Bay (1609–1611) and for emphatic protests to the English court by Spanish diplomats. See Brown, *Genesis of Virginia;* Wright, I. A., in *American Historical Review*, XXV, pp. 448–479; Wertenbaker, T. J. *Virginia under the Stuarts, 1607–1688* (Princeton, 1914), Chapter I; Channing, Edward, *History of the United States*, I (New York, 1907), Chapter VI.

[32] The extent of Spanish activity at Santa Elena in the years following the withdrawal of the garrison in 1587 is not clear, but until the middle of the seventeenth century Santa Catalina seems generally to have been the northernmost permanent settlement. By 1655, however, missions had been reopened at Port Royal. For Spanish expansion into Apalache, Apalachicola, Caveta, etc., see pp. 45–68. At this point Arredondo gets chronologically ahead of his story.

[33] Richard Bancroft (1544–1610) became bishop of London in 1597 and Archbishop of Canterbury in November, 1604. He took a prominent part in the famous conference of prelates and Presbyterian divines held at Hampton Court in 1604. He urged in vain the enforcement of the ancient canon "that schismatics are not to be heard against bishops." Lord Clarendon said that "if Bancroft had lived, he would quickly have extinguished all that fire in England which had been kindled at Geneva." He was as lenient with the orthodox as he was harsh with nonconformers. The Virginia charter was annulled in 1624, not in 1626.

[34] In 1629 Sir Robert Heath obtained a patent to lands between 36° and 31° but did nothing to improve them. Virginians early pushed south to trade with the Indians. The first definite settlement in North Carolina recorded was made by colonists from Virginia in 1653 at Albemarle, on Chowan River.

[35] In England, Virginia, Barbados, and Maryland were regarded as strongholds of Royalism, and were especial marks of suspicion. By an ordinance of Parliament trade with these three colonies without a license was forbidden. In October, 1649, immediately after the execution of the king, the Virginia Assembly declared for Charles II. Parliament met the situation by sending Dennis at the head of a Commission with two ships to subdue the colony. Instructions to Dennis "to effect by the blessings of God the ends aforesaid" were issued September 26, 1651. ("Virginia in 1650–1652," in *Virginia Historical Magazine*, Vol. XVII, 282.) Sir George Ayscue, who was sent on a similar commission to the Barbados, was instructed to coöperate with Dennis (*ibid.*, 281). See also Channing, *History of the United States*, I, pp. 496–497; Wertenbaker, *Virginia under the Stuarts*, Chapter IV; Clowes, William Laird, *The Royal Navy*, II, 139; McIlwaine and Kennedy, *Journals of the House of Burgesses of Virginia, 1619–1658–9*, pp. 79–81 (Richmond, 8 vols., 1905–1910). Arredondo implies that Hiriviscon went to Carolina, not yet founded. Barcía, whom he follows (*op. cit.*, 217–218), plainly states that Hiriviscon went to Virginia.

[36] It was in 1663 that the first Carolina patent was granted to eight proprietors (Cooper, Clarendon, Craven, Albemarle, Carteret, Lord Berkeley, Colleton, and Sir William Berkeley). Their grant embraced the area between 36° and 31°. Two years later the grant was extended on the north to 36°–30′ and on the south to 29°. Charleston, for some time the southernmost settlement, is near 33°. The Carolinas were not technically separated till 1713, when each was given a governor. However, they had been practically distinct settlements from the first.

[37] That is, Charleston is near 33°. Arredondo uses the names Charleston and South Carolina interchangeably.

[38] The transcript reads "Bacon," but Barcía, whom Arredondo is following, gives "Juan Buñon," (Barcía, "Introduction," folio 1.)

[39] This is essentially correct for the southeastern terminus of the Florida Peninsula.

[40] Arredondo probably refers to Pardo's garrison at Coava (Jualla) and to the settlements made in the sixteenth century by Pardo and De Luna among the Talapoosas. At all the other places mentioned there were seventeenth century settlements.

[41] This treaty was concluded July 18, 1670. It was negotiated by Gaspar de Braçamonte y Guzmán, Count of Peñaranda, representing Spain, and Sir William Godolphin, representing Great Britain. One of the purposes of the treaty was to clarify certain provisions of the treaty of 1667. By this treaty of 1670 Spain for the first time recognized England's right to her colonies in the Caribbean and on the American mainland. Chalmers, *A Collection of Treaties* (London, 1790), II, 35; Calvo, *Colección Completa de Tratados* (Paris, 1862), I, 162.

[42] The English text of this article reads:

"All offences, damages, losses, injuries, which the nations and people of Great Britain and Spain have at any time heretofore, upon what cause or pretext soever, suffered by each other in America, shall be expunged out of remembrance, and buried in oblivion, as if no such thing had ever past.

"Moreover it is agreed that the most Serene King of Great Britain, his heirs and successors, shall have, hold, keep, and enjoy forever, with plenary right of sovereignty, dominion, possession, and propriety, all those lands, regions, islands, colonies, and places whatsoever, being or situated in the West Indies, or in any part of America, which the said King of Great Britain and his subjects do at present hold and possess; so as that in regard thereof, or upon any colour or pretence whatsoever, nothing more may or ought to be urged, nor any question or controversy be ever moved concerning the same thereafter." George Chalmers, *A Collection of Treaties*, II, 37.

[43] For a fuller sketch of English encroachments on the Spanish establishments in Guale (the Georgia coast) after 1680, see Introduction, Ch. III. Arredondo's account is essentially sound, but he does not make the order of events exactly clear at all points.

[44] Meaning Carolina, Virginia, etc.

[45] Vejeces (Bejesi, Vejezes) was an Indian village on the north end of San Pedro. Father Chozas speaks of "the chief

of Bejesi and the fiscal of the said doctrina" arriving at his village of Puturiba on October 4, 1597. San Pedro Island was Cumberberland Island, and San Pedro and Puturiba were villages or pueblos there. (Testimony on the massacre of the Franciscans in Guale, 1597–1598. A. G. I., 54–5–9.)

[46] The reference here is to Cabrera's efforts in 1681–5 to remove the Indians southward. Santa María, San Juan, and Santa Cruz mentioned in this paragraph, correspond today to Amelia Island, Talbot Island, and the coast-land to the southward. See Introduction, pp. 39–41.

[47] In 1686 an expedition sent by Cabrera destroyed the Scotch settlement at Santa Elena. After this Spain made no direct effort to reoccupy the place before 1742. It is in this sense that Spain abandoned Santa Elena in 1686. See Introduction, pp. 41-44.

[48] Arredondo seems to be confusing this uprising with that of 1576. See Introduction, pp. 12–13.

[49] The allusion here is to Chief Altamaha's raid on the Timucua mission in February, 1685. Evidence of the collusion of Lord Cardross is abundant. See Introduction, pp. 40–41.

[50] Enrique N. was Dr. Henry Woodward. Both of my transcripts read *N*, for what was probably intended for *W*. For Woodward's proceedings at Santa Elena, see Introduction, pp. 29–30.

[51] It was De León and not Fuentes who destroyed the Scotch colony at Port Royal in 1686. Fuentes was sent on an expedition, however. The statements here about the Niquesalla and the sale to Captain Enrique (Woodward) are essentially the same as those contained in a letter of Cabrera, March 6, 1687, and repeated in a royal cédula to Quiroga, August 14, 1688 (A. G. I., 87–1–1, Doc. No. 3).

[52] This is the cédula cited above (A. G. I., 87–1–1, Doc. No. 3): "I charge and order you to continue the operations begun by him until you succeed in dislodging the enemies, Scotch, English and Yamassees, who were settled on the said islands of Santa Elena and Santa Catharina and others near by to the north of those provinces, with the men of the presidio and the friendly Indians, which you think best."

[53] As a matter of fact, the Proprietors charged the Carolinians with the blame and exculpated Cabrera. Arredondo would have found comfort and support in what they said. See Introduction, pp. 43–44.

[54] That is, Charleston, which he interchanges with South Carolina.

[55] Arredondo refers here to the De León expedition of 1686. See Introduction, pp. 41–43.

[56] I have seen no evidence that the Spaniards maintained a settlement on San Simón after 1686. Arredondo is dealing only with Guale, or the coast settlements, and does not here keep track of the contest for the back country.

[57] This was the War of the Spanish Succession, or Queen Anne's War. France and Spain were allied against England. The war areas in America were extensive in this struggle. The West Indies, South Carolina, Georgia, Florida and Louisiana in the South, and New England, Acadia, Newfoundland, and Hudson Bay in the North all were scenes of conflict. To strike at Spanish commerce England sent Admiral Benbow to the Caribbean, where he encountered the French fleet under Du Casse. New Providence, in the Bahamas, was captured by the French and Spaniards. The Indian allies of the English destroyed the Mission of Santa Fé in the Apalache district. A Spanish force under Uriza was driven back from the Flint River by English and Creek allies (1702). Colonel Robert Daniel of South Carolina destoyed the surviving mission settlements on the Southern Guale coast, plundered San Agustín, and, aided by Governor Moore, besieged the castle, which was successfully defended by Governor Zuñiga for fifty days (1702).

In 1704 Moore, no longer governor, with a thousand Creek allies, destroyed Ayubale and twelve other Apalache mission towns and carried off 1400 Indian prisoners. The murder of Fathers Parga and Miranda is one of the disgraces of American border warfare. In 1706 a combined Spanish and French force failed in an attack on Charleston. The English traders of Carolina also turned their Creek allies against the French who had recently settled in the Mobile district. Clowes does not

mention reënforcing the mainland colonies. Benbow left the Channel with ten vessels, but in the islands was reënforced "by several vessels from England." (Bolton and Marshall, *Colonization*, 267–271; Clowes, *The Royal Navy*, II, 367–373.) See Introduction, pp. 58–61.

[58] Barcía gives a good account of the events in Florida during the War of the Spanish Succession, *Ensayo Cronológico*, pp. 318–327. Arredondo follows him here.

[59] On May 13, 1718, "Joachin Boto, Englishman," arrived at San Agustín and reported to Governor Ayala that English or Scotchmen had landed 200 persons on the Island of Santa Catalina (St. Catherines). Ayala sent to Mexico for help to dislodge them (Barcía, *Ensayo Cronológico*, 340–343).

[60] For the events of this period, see pp. 69–70. Jones (*History of Georgia*, I, p. 68), makes it appear that at this time, before Oglethorpe's day, England maintained a fort on Cumberland Island. I have seen no warrant for this opinion. Jones states that Fort King George was located at the junction of the Oconee and Ocmulgee rivers. It was, however, near the mouth of the Altamaha. The confusion is due to the term "the forks of the Altamaha." The river has two mouths. The forks here means the place where they separate. Jones also tells us that plans were made for two towns on the Altamaha, but never executed. His assertion that the Spaniards looked "with an eye of seeming indifference" (p. 69) is not warranted, as the correspondence shows.

[61] This correspondence is printed in Serrano y Sanz, *Documentos Históricos de la Florida y la Luisiana, Siglos XVI al XVIII* (pp. 243–264).

[62] Arredondo here again speaks of Quiroga's second expedition against Santa Elena. He seems to have De León's expedition in mind. After he left Florida, Quiroga made a long list of his deeds as governor between 1687 and 1693, but he does not mention any expedition to Carolina. I suspect that Arredondo is wrong. El Maestro de Campo Don Diego de Quiroga y Losada, Governador y Capitan General de la Florida a S. M. (A. G. I., 58–1–27).

[63] See Middleton's letter, Serrano y Sanz, *op. cit.*, 255–257.

[64] The English text of the treaty reads as follows: "On the contrary, that the Spanish dominions in the West Indies may be preserved whole and entire, the Queen of Great Britain engages, that she will endeavour, and give assistance to the Spaniards, that the ancient limits of their dominions in the West Indies be restored, and settled as they stood in the time of the above-said Catholic King Charles the Second, if it shall appear that they have in any manner, or under any pretence, been broken into, and lessened in any part, since the death of the aforesaid Catholic King Charles the Second." Chalmers, George, *A Collection of Treaties Between Great Britain and Other Powers*, etc., II, 82 (London, 1790); the same in Herstlet, II, 201 (London, 1840). A Spanish version is in Calvo, Carlos, *Colección Completa de Tratados*, II, 119, (Paris, 1862).

[65] See Note 64.

[66] The words of the treaty are as follows: "As in like manner shall be given, on the part of his Britannic Majesty, the orders which shall be demanded and judged necessary for the accomplishment of everything that has been stipulated and agreed between the two crowns in the above-mentioned treaties of Utrecht; and particularly as to what may not have been put in execution of the points settled by the eighth, eleventh, and fifteenth articles of the treaty of peace, which mention the leaving to the Spaniards the free commerce and navigation to the West Indies, and the maintaining the ancient limits in America, as they were in the time of King Charles II," etc. (Chalmers, George, *A Collection of Treaties between Great Britain and Other Powers*, II, 210. A French version of the treaty is in J. Du Mont, Baron de Carels-Croon, *Corps Universel Diplomatique du Droit de Gens*, Tome, VIII, Partie II, p. 34.)

[67] See above, paragraph 6, pp. 179–181.

[68] See p. 183 and Note 52.

[69] Arredondo's distinction here is correct. Spain had settlements all the way up the coast to Santa Elena, but none beyond that place after 1570, when Father Segura's mission in Virginia was destroyed. I have seen no evidence that Spain had a post

among the Talapoosas till 1692. She had a post at Apalachicola which was withdrawn in 1691.

[70] The letter is printed in Serrano y Sanz, *Documentos Históricos de la Florida*, 255–257; Carroll, *Historical Collections*, I, 269–271, gives a sketch of the relations between Carolina and Florida.

[71] He means that the occupation of the region south of Santa Elena is a usurpation of Spain's domain.

[72] For the coming of Oglethorpe and subsequent events, see Introduction, Chapters V–VII.

[73] The charter of the Georgia colony is printed in Stevens, *A History of Georgia*, I, 476–493.

[74] That official was Arredondo himself. See Introduction, p. 73.

[75] This passage is identical with that in Barcía, "Introduction," p. 4, where Rhamusio is quoted. Evidently Arredondo did not see Rhamusio, but followed Barcía (Cárdenas).

[76] This passage from Bacon, and those below from De Fer, Bernard, and Peter Martyr, are nearly identical with corresponding passages in Barcía (Cárdenas), *Ensayo Cronológico*, "Introduction," pp. 4–6. In all probability Arredondo did not have access to the works quoted.

[77] Arredondo is evidently sound here in asserting that San Agustín was not a primary objective in the expedition. For a comment on Drake, see Note 29.

[78] Sir William Berkeley's name is omitted. For the Carolina charter, see Carroll, *Historical Collections of South Carolina*, II, 41.

[79] Fort King George was built at Tamaja in 1721. Three years earlier Benavides was warned that the English were fortifying Santa Catalina Island. Barcía, *Ensayo Cronológico*, 340–343. See Note 59.

[80] It does not seem to occur to Arredondo that Georgia might be founded within the territory assigned to Carolina.

[81] Here again Arredondo uses South Carolina for Charleston.

[82] For the Geraldino-Newcastle correspondence, see pp. 72–73.

[83] This letter is fastened within the foregoing document at page 22.

[84] By a slip the manuscript reads 1561. The context clearly shows that 1651 is intended.

[85] This document is in A. G. I. 58–1–31. No. 5.

[86] This document is in A. G. I. 58–1–25. No. 112.

[87] In the manuscript this chapter is numbered 7°. This is clearly a slip, for there are only five preceding chapters.

[88] The English documents for this period are dated in Old Style, the Spanish in New Style. This discrepancy must be taken into account in comparing dates.

[89] Newcastle's letter is in A. G. I. 58–1–29. No. 65.

[90] By a slip the manuscript has Junio for Julio.

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